
Equal opportunities and collective bargaining in the European Union

Selected agreements from the Netherlands
Phase II

WP/97/21/EN



**EUROPEAN FOUNDATION
for the Improvement of Living and Working Conditions**

Vrije Universiteit Amsterdam
Faculty of Social-Cultural Sciences

**EQUAL OPPORTUNITIES AND COLLECTIVE BARGAINING IN THE
EUROPEAN UNION**

SELECTED AGREEMENTS FROM THE NETHERLANDS
PHASE II

Report for the European Foundation
for the Improvement of Living and Working Conditions

June 1996

by

Inge Bleijenbergh

and

Jeanne de Bruijn

Amsterdam

CONTENTS

1. Introduction
 - 1.1 Sources
 - 1.2 Aids to the selection of collective agreements

2. Theoretical framework
 - 2.1 Selection criteria
 - 2.2 Dutch and European context
 - 2.2.1 Child care
 - 2.2.2 Parental leave
 - 2.2.3 Positive discrimination
 - 2.2.4 Part-time work
 - 2.2.5 Job evaluation
 - 2.2.6 Sexual harassment

3. Analysis of CAs
 - 3.1 Parental leave
 - 3.1.1 The collective agreement for the Employment Service
 - 3.1.2 The collective agreement for Youth Assistance
 - 3.1.3 The collective agreement for the Centraal Beheer insurance company
 - 3.1.4 Employment conditions agreement for the public sector
 - 3.2 Child care
 - 3.2.1 The collective agreement for medical insurers
 - 3.2.2 The collective agreement for the contract catering sector
 - 3.2.3 The collective agreement for Royal Sphinx
 - 3.2.4 The collective agreement for Netherlands Railways

- 3.3 Positive discrimination
 - 3.3.1 The collective agreement for AT&T Networks
 - 3.3.2 The collective agreement for the building supplies trade
 - 3.3.3 The collective agreement for Heineken
 - 3.3.4 The collective agreement for public libraries
 - 3.3.5 The collective agreement for the insurance industry
- 3.4 Part-time work
 - 3.4.1 The collective agreement for the Joint Administration Office
- 3.4.2 The collective agreement for Unilever
- 3.5 Equal pay
 - 3.5.1 The collective agreement for home care
 - 3.5.2 The collective agreement for hospital staff
- 3.6 Sexual harassment
 - 3.6.1 The collective agreements for the printing industry
 - 3.6.2 The collective agreement for the daily newspaper industry
 - 3.6.3 The collective agreement for Sigma Coatings
 - 3.6.4 The collective agreement for AVEBE

- 4. Conclusion
 - 4.1 Topics
 - 4.2 Equal opportunities
 - 4.3 Sectors

Bibliography

Annexes

1. Introduction

The number of collective agreements (CAs) with provisions in the area of equal opportunities has increased considerably in the Netherlands in recent years. For example, in 1993 agreements on child care were to be found in 109 collective agreements, whereas in 1990 the figure was only 81. Moreover, in 1993 a larger proportion of these agreements consist of concrete regulations (SZW, 1994: 65). This kind of development is also visible in agreements on part-time work and sexual harassment.

This report gives a description of a number of recent collective agreements which are progressive on the area of equal opportunities. The report forms part of the second phase of a research project into equal opportunities in collective negotiations which the European Foundation has set up jointly with the European Commission in 15 countries. The research project runs from June 1995 to November 1996. The first phase consisted of a description of the specific context of each country in the field of equal opportunities and collective negotiations. For this second phase we shall make an analysis of a number of collective agreements with progressive provisions in this field. The third phase will consist of an analysis of the process by which these progressive collective agreements came into being. For all three phases both a national report and a report summarizing the results of the 15 countries at European level will appear.

In order to increase the comparability of the various national reports a clear framework was prescribed. In the first chapter we shall deal in greater detail with the accessibility of the sources in the Netherlands and the aids which are available in selecting collective agreements. In the second section we shall deal at greater length with the selection criteria and in the third section give a structural analysis of 23 collective agreements with progressive provisions. The fourth section gives a summary of the results of the research.

1.1 Sources

The Netherlands has a central point for the registration of collective agreements: the Inspectorate of the Ministry of Social Affairs and Employment (I-SZW = Inspektiedienst van het Ministerie van Sociale Zaken en Werkgelegenheid) in The Hague. Parties to collective agreements are statutorily bound to report the agreements they have reached to the Inspectorate. Only after a collective agreement is registered can this be professed generally binding: the collective agreement then applies to all employees working within the company or branch of industry concerned. At present there are 981 general collective agreements in force in the Netherlands. Of these, 764 are company collective agreements and 217 sector collective agreements (SZW: 1995, Annex I). In addition there are eight agreements on conditions of employment for government employees.

All recently concluded collective agreements are filed in an archive of the Inspectorate of the Ministry of Social Affairs and Employment. These are accessible to everyone, provided one makes an appointment in advance. In addition the Inspectorate of the Ministry of Social Affairs and Employment has an archive in which older collective agreements are stored together with the correspondence conducted on them between the Ministry and the parties to the collective agreement. This archive is accessible only on written request.

Collective agreements are therefore easily available in the Netherlands. The retrievability of the information is less good. Because there is a large number of collective agreements (nearly 1000) which are relatively lengthy (between 50 and 100 pages on average) it is very difficult to gain an overview of the contents. Clearer definition of the material is necessary in order to make an analysis of these primary sources.

1.2 *Aids to the selection of collective agreements*

In the Netherlands there are some roads to make a selection from the large number of collective agreements. Selection on the basis of primary sources is only possible through the database of the Inspectorate of the Ministry of Social Affairs and Employment. The Inspectorate has stored the texts of over 200 recent collective agreements in the computer. The database includes all sector collective agreements and all large company agreements which are at present in force (applying to over 200 employees), with, in addition, a sample of the small company collective agreements (applying to less than 200 employees). The collective agreements stored together cover 75 till 80% of the total workforce.

This database makes it theoretical possible to retrieve a large quantity of information through key words. In this way it should be possible quickly to retrieve all collective agreement provisions which have been agreed in relation to a particular topic. Rather we encountered two strong practical limitations. The first is the fact that only a limited number of key words can be used. For example there turned out to be no key words on "equal pay" or "sexual discrimination in job evaluation". A second limitation and disadvantage is the fact that the database has been set up for internal use *only* and is not accessible to outsiders. Even for this research project, initiated and financed by the European Foundation and European Commission and despite our express request, we were not allowed to use the search facilities of the database.

In addition there are a number of secondary sources available which can help in selecting collective agreements. The Ministry of Social Affairs and Employment has carried out various surveys into topics connected with equal opportunities in CAs. The Inspectorate of the Ministry of Social Affairs and Employment (at that time still consisting of the two separate departments DCA and LTD), for example, has published research projects into provisions in CAs on flexible working conditions (DCA, 1989), part-time work (DCA, 1991) and breadwinner provisions (DCA, 1993)⁴.

⁴ Breadwinner provisions are measures which give preferential treatment to breadwinners over double-income earners. These provisions encourage a task division in which the man does paid work and the woman takes care for the children at home.

An investigation into equal opportunities in collective agreements produced information on provisions relating to positive discrimination, child care, parental leave and sexual harassment (DCA, LTD 1992). Two years later a research project was published which again focused on provisions on parental leave, part-time work and child care and the re-entry of women into the labour market (SZW, 1994). These surveys are mainly quantitative in nature: they describe the number of CAs which contain provisions on these topics. Nevertheless, qualitative information may also be derived from these research projects; CAs which are striking because of their innovative content often receive a separate mention. These CAs could therefore be selected for analysis. One disadvantage is that the research results are somewhat outdated. Newer CAs may well contain more progressive provisions.

More recent is the research project which was commissioned by the Emancipation Council into equal opportunities in CAs (Sloep, 1996). This research project described the effect of the participation of women in employees' and employers' organizations on the emphasis given to emancipation topics in CAs. This research project gives a wide overview of the content of the CAs examined. It mentions a large number of CAs with progressive provisions in the field of parental leave, compassionate leave, part-time work, child care and positive discrimination. Because the research is so recent, it is a good source for determining which CAs are suitable for our analysis.

All the above mentioned research projects are based on samples from the database of the Inspectorate of the Ministry of Social Affairs and Employment. The CAs in these samples generally cover the majority of the employees falling under a CA. However, it remains possible that CAs with progressive provisions may be found outside the research sample. There is a particularly high chance of this in former government institutions which have since been privatized. In those cases negotiators have been able to transfer the favourable agreements to the Employment conditions agreement for the public sector.

In addition there are various reports available of research projects carried out on behalf of the trades union confederations FNV (Federatie Nederlandse Vakbeweging = Dutch Trade Union Federation), and CNV (Christelijk Nationaal Vakverbond = Christian Trade Union Federation).

The CNV published a quantitative survey in 1995 on agreements on part-time work in 400 CAs (Stolwijk, 1995), and in 1995 Van den Toren published the results of a research project into the emphasis given to qualitative topics in CAs, including working hours.

In both research projects examples can be found of CAs which contain progressive provisions in the field of working hours. The AbvaKabo (Algemene Bond van ambtenaren/Katholieke Bond van overheidspersoneel = General federation of civil servants/Catholic civil servants' federation of public sector staff), which is affiliated to the FNV, commissioned a research project into provisions on compassionate and nursing leave in CAs (Dankmeyer et al., 1992).

In the selection of CAs with progressive provisions in the field of equal opportunities we base ourselves largely on the above-mentioned research projects. For topics which are not covered by these research projects we have gathered information from experts from the social partners. In all cases we have requested the complete CA texts from the Inspectorate of the Ministry of Social Affairs and Employment archive or from the employer concerned and subjected them to analysis.

2. Theoretical framework

The structural analysis of CAs in this report is based on the theoretical framework that Bercusson and Dickens (1995) have worked out for this research project. In this publication they describe three criteria which are important in the selection of progressive CAs in the field of equal opportunities. We have to indicate in what way we regard the CAs as "good", what topic they refer to and in which sector they apply.

2.1 Selection criteria

It is our intention to select CAs which present examples of good practice in the field of equal opportunities. Bercusson and Dickens distinguish different ways in which we can regard a CA as good. Some agreements seem to be good in themselves, while others turn out to be good if we look at them in context. The first category can be further subdivided into CAs which indicate the intention to promote the equality of men and women (the so called 'self declared equal opportunity CA's) and CAs which intend to tackle discriminatory practices (Bercusson and Dickens, 1995: 26-29).

CAs which represent good practice in the field of equal opportunities can be concerned with various topics. The topic on which a CA gives good provision is a second criterion. The question of which topics are important will depend on the specific context of a country. Bercusson distinguishes five categories within which these topics may fall (Bercusson, 1996: 9):

- the relationship between family and work
- sexual segregation in the labour market
- working hours
- discrimination in pay
- organizational cultures and structures.

We have selected five topics for research which are of importance to equal opportunities in the Dutch context. In the next section (2.2) we will indicate how these topics link up with the categories distinguished by Bercusson.

A third criterion for the selection of CAs is the sector within which these apply. Is it a sector where a large number of women are employed or specifically not? Is it a sector in which the degree of organization is high or specifically not? (Bercusson, 1996: 4). Unhappily in the Netherlands the data on male-female participation on branch level or industry is very poor. We can only find general information in the literature on this subject. For example, we find the degree of organization per sector, but this is not divided into percentages of male and female trade union members. Information on the proportion of female employees is obtainable at sector level only, but not at the level of the separate agreements.⁵

Tabel 1: Degree of Organizations and Proportion of Women per sector

Sector	Degree of Organization	Proportion of Women
Agriculture and fishing	33%	3%
Industry and mining	30%	10%
Construction	46%	1%
Commerce and the hotel, restaurant & catering industry	12%	21%
Traffic and communications	43%	3%
Business services	12%	10%
Other services	34%	51%

Source: Klandermans and Visser (1995) and SCP (1993).

⁵ The Inspectorate of the Ministry of Social Affairs and Employment keeps a careful check on how many employees are governed by a CA. Although the Inspectorate declares it is difficult to realize, it would be worth recommending the Inspectorate also to indicate the ratio of female to male employees and of part-time to full-time employees.

2.2 *Dutch and European context*

We shall indicate here the way in which the topics which we have selected link with the five categories distinguished by Bercusson. Our first two topics are connected with Bercusson's first item: the relationship between paid work and family, namely child care and parental leave.

2.2.1 *Child care*

Since 1989 the Dutch government has followed a policy of encouraging the growth in child nursery places. Before that time the government saw the care of children mainly as the responsibility of parents. The reason why the government has begun to create child nursery facilities is the quickly and strong growing demand for this type of facilities. The demand was partly expressed by the women's movement and supported by femocrats in public administration. The governmental wish to encourage the participation of women in the labour market played also a role, but viewing the amount of places (for 9,9% of children under age of four year), this is not substantial.

In government policy a clear distinction is made between subsidized places and company places for nursery care. The subsidized places are mainly paid for by the government. Parents pay a contribution according to their income. Every parent who works or studies is basically eligible. In practice there are long waiting lists for this kind of child care. Children of single parents are given priority, as too are additional children of parents who already take one child to child care and children with special needs. Because the responsibility for this subsidized child care was transferred as of 1 January 1996 from central government to local government, it is anticipated that the number of subsidized places will decrease in the years ahead.

Company places are child care facilities which employers have set up internally or which they purchase at outside nurseries. In this case, too, parents generally pay a contribution according to income.

One difference between these and subsidized places is that this form of child care has shorter waiting lists. The government encourages this type of nursery care via a tax incentive: since 1 January 1996 employers have been able to deduct 20% of the costs of child care from tax. The

government hopes in this way to encourage an increase in the number of company places for child care, so that employers will gradually make an ever greater contribution to total nursery care provisions. Although the total number of nursery places in the Netherlands has increased sharply since 1989, the percentage of children making use of them is still not high in comparison with the European level. In 1989 3.7% of children under four attended a nursery, whilst in 1993 the figure was 9.9% (CBS, 1995: 49).

We regard a CA as good when it stipulates that the employer should offer a substantial number of nursery places for both male and female employees. Parents should pay a contribution according to their income, according to the guidelines issued by the Ministry of Health, Welfare and Sport (for example). This kind of CA is good both in the Dutch context and in a European context; the EU recommended on 31 March 1992 that member states should take or encourage measures to create nursery provision for people engaged in employment or a course of study or looking for work or a suitable course of study. This must enable both men and women to combine professional work with child care responsibilities. It is a precondition that this care must be affordable, but the recommendation does not deal with this in greater detail (92/241/EEC).

2.2.2 Parental leave

Since 1991 the Netherlands has had a Parental Leave Act. This Act gives all male and female employees who have worked for longer than a year with the same employer the right to six months' unpaid leave in the period before their child goes to primary school (0-4 years). The employee must continue to work a minimum of 20 hours a week, so that employees who are already working part-time are less able to benefit from this arrangement. Because women tend to work part-time, they are less often eligible for the scheme (25%) than men (70%) (CBS, 1995: 43).

This Act represents a minimum provision. The social partners can make additional agreements on the number of hours' leave per week, the duration of the leave and the payment for it. The number of hours' leave must, however, be at least equal to the total number of hours to which an employee is statutorily entitled (DCA, 1994: 5,6). Therefore the social partners have the option of offering a form of parental leave which is more favourable than the statutory regulation. The law will probably offer more scope for this in the future. Although the minimum number of hours will remain, there will be more options for taking up the leave in a flexible way, both on individual and collective level. Parental leave will then also be possible for people with a part-time job (SZW, 1995: 10,11).

Although men are more often eligible for parental leave, they might make relatively less use of this opportunity. But 11% of men entitled to parental leave make use of it, as compared with 27% of women. The lack of payment for parental leave turns out to be a particular obstacle for men. Of the 11% of men who take up parental leave, three-quarters do so while falling under an arrangement for paid parental leave. Of the women who took up the leave, only four out of ten were covered by an arrangement for paid parental leave (CBS, 1995: 43). Payment is therefore a way of particularly encouraging men to take up parental leave. We regard a CA as progressive when it has a provision on payment during parental leave in addition to the statutory agreement on unpaid parental leave. Such a CA is also good in the European context.

The EU is preparing a directive on the subject of parental leave. This is reported to require that both parents have an individual, non-transferable right to at least three months' parental leave before the child reaches the age of eight. Member states and/or social partners will be able to determine for themselves whether this will be full-time or part-time leave. There is nothing in the draft of this directive on payment during leave. "Partial" payment during parental leave is therefore progressive both in a Dutch and a European context.

2.2.3 *Positive discrimination*

We selected positive discrimination as our third topic during the first phase of this research project. This follows on from Bercusson's category of sexual segregation. The Dutch labour market displays strong horizontal and vertical sexual segregation. Female employees are highly concentrated in certain sectors: more than two-thirds work in the commercial and hotel and catering sectors, or in the services sector (SCP, 1993: 72,73). In addition women are under-represented in senior level jobs. The proportion of women in managerial and higher managerial posts in 1991 was 14% (SCP, 1993: 86). Pursuing a policy of positive discrimination is one way of breaking down sexual segregation. Positive discrimination is permitted in the Netherlands under the terms of the legislation in the field of equal treatment.⁶ Moreover, from 1989-1995 the Dutch government instituted a scheme to encourage positive discrimination. The scheme offered employees and umbrella organizations a one-off contribution to the cost of specific activities in the field of positive discrimination or for the appointment of a positive discrimination staff member. A great deal of use was made of the scheme in the non-profit sector, but little in industry. Since 1995 a new government-inspired project has begun which is designed to improve the position of women in industry: Opportunity in Business. Employers are trying to create better opportunities for women in their businesses before the year 2000 in order to make better use of their economic potential (Metz, H. et al.: 1996).

Social partners can reach agreements in CAs on measures to promote the representation of women in certain occupational groups and certain jobs. Previous research has shown that more than half (52%) of CAs contain agreements to improve the position of women. This means, for example, that the parties agree to pay special attention to women in recruitment, selection and internal training. However, only in a small proportion of these is there any question of a systematic approach to positive discrimination. The presence of a provision on this subject in a CA does, though, seem to have a favourable effect on practice, because it increases the chance that companies will actually develop a plan for positive action (DCA/LTD: 1992: 6,17,26).

⁶ See the General Equal Treatment Act, the Equal Treatment of Men and Women Act and Article 1637ij, Civil Code.

We regard a CA as progressive when there is evidence of a systematic approach to positive discrimination. This means that there is a coherent package of measures for improving the entrance to and the position of women within the labour organization (DCA/LTD, 1992:5). Such a provision is good both in the Dutch and in the European context. In accordance with European legislation, positive discrimination is permitted as a part of the Directive on Equal Treatment of Men and Women in the Labour Process (1976). At European level positive discrimination was recently discussed when the European Court of Justice in the Kalanka Decree of 17-10-95 which ruled that "a national regulation which gives priority to women absolutely and unconditionally in appointments or promotions goes further than the promotion of equal opportunities" (Metz, et al., 1996: 7). Such a form of positive discrimination is not possible in the Netherlands. The degree of disadvantage of women in certain jobs is determined here by comparison with the number of qualified women available on the labour market. Moreover, the extent of the preferential treatment to women must be in direct proportion to the seriousness of the disadvantage.

2.2.4 *Part-time work*

A fourth topic that is important in the Dutch context for equal opportunities is part-time work. This is related to Burcusson's category of working hours. The Netherlands has the largest number of part-time workers in Europe, namely 36.4% of all those in employment. Women make up an important proportion of this: 66% of female employees have a part-time job (Eurostat, 1996). Partly because of the absence of child care provisions, the increase in women on the labour market is attributable mainly to part-time workers. Women have opted for part-time work in order to be able to combine paid work with caring for the household and children.

Research showed that the remuneration and legal status of part-time employees in the Netherlands is in general less good than that of full-time employees. For example, the average hourly wage of part-time workers in 1995 was considerably lower than that of full-time workers⁷ (I-SZW, 1995: 8). In addition it is frequently found that CAs do not apply to employees who work less than a certain number of hours. In 1990 employees contracted for less than a third of full working

⁷ Part-time workers who work more than 40% of full working hours earn on average 4% less than full-time workers, while those contracted for less than 40% of the full number of working hours earn 7% less than full-time workers.

hours were excluded from the benefits in almost 17% of CAs (DCA, 1991: 28). This kind of exclusion leads in general to less favourable terms of employment.

In 1996 the Dutch parliament passed a bill on equal treatment for part-time and full-time employees. All employees will henceforth have the right to equal treatment in respect of their primary and secondary terms of employment, irrespective of the number of hours they work. Unequal treatment in the field of remuneration, bonus payments and expense allowances, pensions and training will then no longer be permitted, unless there is an objective legitimation ground (Arachne, 1995: 4). At the same time a small majority of the House voted for a private member's bill which legislates for a statutory right to shorten working hours by a maximum of 20%. It is not yet clear whether this bill will also progress to the Upper House (Arachne, 1996: 2). We regard a CA as progressive when (in anticipation of the statutory regulation) it treats part-time workers and full-time workers equally and gives employees the right to transfer to part-time work. Such a CA is good in both a Dutch and in a European context. It is good in European context, because it fits with the Directive on equal treatment in occupational schemes of 1986 (Metz, et al., 1996: 7). No pronouncement was made on a right to part-time work at European level.

2.2.5 Job evaluation

A fifth subject to which we shall devote attention within the framework of this research project is gender neutrality in job evaluation systems. This is connected with Bercusson's category of discrimination in pay. Since 1975 the Netherlands has had an Equal Pay Act for men and women. The European Union issued the Directive on equal pay for men and women in the same year. This does not mean that women now earn on average the same as men. Recent research shows that the average gross hourly pay of women aged 23 and above is 74% of the gross hourly wage of men aged 23 and above. This difference of 26% in remuneration is partly (17%) explainable by personal characteristics (working women are on average younger and have a slightly lower number of years of experience) and occupational characteristics (they work at lower job levels and in other different sectors to men). The research project offers no explanation for the remaining 9% of the difference in remuneration (I-SZW, 1995: 7,8).

A preliminary survey by the AbvaKabo (FNV) looks for part of the explanation in the systems of job evaluation used by employers. It is apparent that the content of a job description often differs from the practice. The differences are caused by a flexible apportionment of work (regular performing of duties which do not actually belong to the job), the delegation of responsibilities (through which employees carry more responsibility than indicated by the job description), the manner of job description (insufficient attention to qualities required in carers) and the inadequate updating of the system. Incomplete and incorrect job descriptions occur particularly at middle and lower levels. The researchers recommend examining job evaluation systems for gender neutrality (AbvaKabo, 1995: 6,7).

We regard a CA as progressive when it reflects the intention or readiness to examine the job evaluation system for gender neutrality. A provision of this kind is good both in a Dutch and in a European context. In fact it represents a detailed elaboration of the Directive on equal pay of 1975, which lays down that "for equal work or for work to which equal value is assigned any distinction according to gender will be abolished in respect of all elements and conditions of remuneration" (Metz, et al., 1996: 7). In 1996 there will also be accepted a Code of Behaviour and a Memorandum on this topic. Up to now in the Netherlands attention has been paid mainly to equal pay for equal work, while, although it is also important to look at equal pay for work of equal value, it is mainly a form of indirect discrimination if there is a question of unequal pay for male and female occupations of equal value (Brouns, M. & De Bruijn, J. G. M., 1996).

2.2.6 Sexual harassment

A sixth topic which is important in the Dutch context for equal opportunities is sexual harassment or unwelcome intimacy. This subject is strongly linked with the organizational culture: it is an indication of sexual attention which is experienced as undesirable and can lead to an unpleasant or threatening working situation, a drop in performance or reduced chances of promotion. This can take various forms, varying from annoying looks and remarks to sexual assault and rape (SER, 1992: 10,13).

The subject of sexual harassment was recently included in the Working Conditions Act: employers are required to pursue a policy of preventing sexual harassment in the workplace. The inspectorate of the ministry of Social Affairs and Employment will monitor compliance

(Metz, H. et al., 1996: 61). However, this does not mean that employers and employees are required to include agreements on this subject in the CA. Still, it is shown by previous research that in 1990 38% of CAs contained provisions on the prevention or combating of sexual harassment. The presence of such an arrangement has a favourable effect on practice: 37% of the companies covered by such a CA had developed a scheme for the prevention of sexual harassment as opposed to 9% of companies which were not governed by such a CA. In addition it is shown that large companies take such measures more commonly than small companies (DCA/LTD, 1992: 22,129).

We regard a CA as progressive when it contains agreements which are aimed both at the prevention of sexual harassment and at the combating of it. Such a provision is good both in a Dutch and in a European context. At European level there are recommendations and a Code of Behaviour for the combating of sexual harassment at work. This requires employers both to take preventive measures and to develop procedures for dealing with sexual harassment (European Commission, 1994).

The most important criterion in the selection of CAs is that they must be the most important and innovative in the field of equal opportunities for men and women (Bercusson, 1996: 4). We shall support, with argumentation for each of the topics, why a Dutch CA represents an example of "good practice" in the national and international context in the field of equal opportunities.

Overview contained collective agreements

CA	DURATION	NUMBER OF EMPLOYEES
Employment conditions agreement for the public sector	1-04-95/31-12-95	110,981
CA for the Employment Service	1-04-95/31-03-97	8,580
CA for AVEBE	1-03-95/29-02-96	1,634
CA for AT&T Networks	1-04-94/31-03-96	3,185
CA for Centraal Beheer	1-04-95/31-03-96	2,700
CA for the contract catering sector	1-03-94/29-02-96	13,500
CA for the daily newspaper industry	1-02-93/31-01-96	6,100
CA for the Joint Administration Office	1-07-94/30-06-96	18,440
CA for the printing industry, (administrative and technical)	27-01-96/01-02-97	40,316
CA for the building supplies trade	1-04-94/31-03-96	550
CA for Heineken	1-04-94/31-12-95	3,600
CA for Youth Assistance	1-04-94/31-03-96	13,100
CA for Koninklijke Sphinx	1-04-94/31-03-95	1,600
CA for Netherlands Railways	1-04-96/31-03-98	29,465
CA for public libraries	1-04-94/31-03-96	9,000
CA for Sigma Coatings	1-04-94/31-01-96	1,000
CA for home care	1-01-95/31-03-96	105,000
CA for Unilever	1-03-94/29-02-96	4,099
CA for the insurance industry (internal and external)	1-04-94/31-03-96	6,500
CA for hospital staff	1-04-94/31-03-96	258,000
CA for medical insurers	1-01-95/31-12-96	9,000

3. Analysis of CAs

3.1 Parental leave

In the Dutch context a CA represents an example of good practice in the field of parental leave if it has a scheme for paid parental leave. A large proportion of Dutch government staff have a scheme for paid parental leave. Male and female employees who take up leave continue to receive 80% of their last pay packet. This turns out to have a particularly stimulating effect on the number of men making use of the scheme (CBS, 1995: 43). Payment of parental leave therefore seems to contribute to the redistribution of caring responsibilities between men and women.

From previous research we know of 3 CAs in which parental leave was partly paid, namely the CA for the Employment Service, the CA for Centraal Beheer and the CA for Youth Assistance (Spaans, J. & Van der Werf, 1994: 15, and Sloep, 1996: 33). Moreover, it is known that government staff also have paid parental leave. For this reason we will also include the employment conditions agreement and employment policy in the public sector in the research.

Tabel 2: Selected CA's with 'good practices' on parental leave; some core characteristics per CA

CA	Duration	Type	Sector	% Women	Number of employees
Employment Service	1-04-95 to 31-03-97	Branch of industry	Other services	51%	8,600
Youth Assistance	1-04-94 to 31-03-96	Branch of industry	Other services	51%	13,100
Centraal Beheer	1-04-95 to 31-03-96	Company	Business services	10%	2,700
Public sector working conditions agreement	1-04-95 to 31-03-97	Sector	Government	31%	110,981

3.1.1 The CA for the Employment Service

The CA for the employment services was concluded on 8 June 1995 between the Employment Service as employer and the trade unions AbvaKabo (FNV), CFO (Christelijke Federatie Overheidspersoneel = Christian Federation of public sector staff), which is affiliated to the CNV, and CMHF (Centrale voor Middelbare en Hogere Functionarissen bij de Overheid = Federation of Middle-Ranking and Senior Officials in the Public Sector), affiliated to the MHP (Middelbaar en Hoger Personeel = Union of middle-ranking and senior staff), on the employees' side. In addition one independent trade union, the CRP, participated in the negotiations.

The CA refers explicitly to equal opportunities and discrimination. Article 3 reads: "The employer rejects discrimination in employment and will make every effort to promote equal opportunities for men and women in the labour process. Female employees will be encouraged to take advantage of opportunities for training, both internal and external" (p.16). This seems to indicate a limited interpretation of equal opportunities: the text refers mainly to recruitment and selection. Nevertheless, the CA also contains arrangements which belong to a wider interpretation of equal opportunities, such as paid parental leave, child care and a right to part-time employment.

The conditions for taking up parental leave correspond largely to the statutory regulations. An employee must have been employed by his employer for at least one year to be eligible for the scheme. The leave can be taken until the child reaches the age of four. The employee may take up the leave for six months, but must continue to work for a minimum of 19 hours per week. The major difference from the statutory arrangement is that the employer continues to pay 60% of the monthly income for the hours of leave taken. During the period of leave the employee therefore earns 80% of his last wage packet, as do employees in government service. This arrangement probably dates from the time the Employment Service was a government service. In addition the CA creates the opportunity of taking unpaid parental leave for a considerably longer period than that prescribed by the statutory arrangement. An employee has the option of reducing his/her working time to a minimum of 24 hours for a maximum of 2 years. In addition there is a right to restitution of the original number of hours. If the employee makes use of paid parental leave this period is deducted from unpaid leave (pp. 94-96). The provision on parental leave is the

same as that in the previous CA (1 April 1993 - 31 March 1995). The provision was included in this previous CA for the first time.

In other sections, too, this CA scores well. For example, the employer offers facilities for child care in the form of places in an outside nursery or in a child care family.⁸ This applies both to day nurseries for children up to four years old and to out-of-school care for children of between four and 12. Parents pay a contribution in accordance with the Ministry of WVC table (89-93). In addition the CA contains a good regulation in the field of part-time work. The employer indicates that he will react positively to a request for transfer to part-time work unless company interests are opposed to this (p. 9). In addition part-time workers are paid for overtime which exceeds their daily working hours (pp. 34-35). The latter provision is more favourable than the statutory regulation which is shortly to be accepted by the Netherlands; overtime payment for part-time workers will not be included in that.

3.1.2 The CA for Youth Assistance

The CA for Youth Assistance was concluded on 9 June 1994 between VOG (Vereniging von ondernemingen in de gepremieerde en gesubsidieerde sector = the Association of Companies in the Premium and Subsidized Sector as employer and the trade unions AbvaKabo (FNV) and CFO (CNV) as representatives of the employees. The CA has no provisions which refer to equal opportunities or discrimination. This is striking, because the CA contains arrangements both on paid parental leave and on child care. These provisions obviously do not require any justification in the form of a reference to equal opportunities. This CA can be seen as a CA which is a good one in context.

⁸ It is not known what percentage of the total wage bill is spent by the employer on child care.

Article 38 on parental leave largely corresponds with the statutory regulations. Parents are entitled to parental leave in the period before the child goes to primary school. They are only eligible for the scheme if they have been employed for over a year and they must continue to work for a minimum of 50% of full working hours. In addition to the statutory regulation on parental leave, they will receive 25% of their salary during their leave. So during the period of parental leave they earn 62.5% of their last pay packet (pp. 29 and 30). The provision on paid parental leave was already contained in the previous CA and has been incorporated without amendments.

The CA for Youth Assistance also has a provision on child care, whereby the employer makes 0.2% of the total annual wage bill available for this provision. The employer determines in consultation with the Staff-management council what child care facilities are available. This may be either a day nursery linked to the institution, or places which the company buys from an outside day nursery (p. 81).⁹

3.1.3 The CA for the Centraal Beheer insurance company

The CA for Centraal Beheer was concluded between the Centraal Beheer insurance company as employer and the trade unions FNV Services Union, CNV Services Union and the Unie BLHP (Unie Bond van Hoger en Leidinggerend Personeel = Federation of Senior and Management Staff Unions) and VHP (Vereniging van Hoger Personeel = Association of Senior Staff), which are both MHP affiliated. The BBV occupational union for banks and insurance companies took part in the negotiations as an independent trade union.

The CA contains no provision referring explicitly to equal opportunities. In Article 35, however, the subject is implicitly present. In it Centraal Beheer pledges itself to pay special attention to groups which are disadvantaged in the labour market, such as "re-entering" women, those with disabilities, and immigrants. It seeks to promote the employment of these target groups by making available both regular posts and temporary positions (training, placement and work-experience places) (p. 25). It is striking that it is not women in general, but only "re-entering" women who are mentioned as a group in a disadvantaged situation. Besides offering normal and temporary employment, the CA mentions no measures which could alleviate this disadvantaged situation.

⁹ The CA does not indicate what age categories the care refers to nor does it mention the level of parental contribution which applies.

The provision on paid parental leave corresponds largely with the statutory provision for parental leave. For the first four years of the life of every child, an employee has a right to a maximum of six weeks' parental leave and during them must continue to work for 20 hours a week. In contrast to the statutory provision, the employer continues to pay for half the hours' leave taken, so that during parental leave the employee can continue to receive 75% of the last pay packet (p. 12). This provision was already present in previous CAs; it was introduced after the Parental Leave Act came into force in 1991.

The CA contains further provisions which are relevant to equal opportunities. Centraal Beheer states in Article 33 that it wishes to encourage part-time work, including in higher management and staff posts. With employees who submit a request to transfer to part-time work, the company will check to see if this is possible. In addition Centraal Beheer will check in case of vacancies whether a part-time solution is desirable (p. 24). In addition the CA refers to a scheme for child care and out-of-school care. The scheme applies to employees with an unspecified period of employment. It refers both to day nurseries for children of between 0 and 4 years and out-of-school care for children of primary school age (4-12 years). Parents pay a contribution in accordance with the VWS table (p. 26).

3.1.4 Employment conditions agreement for the public sector

The agreement on employment conditions and employment policy in the public sector was concluded between the Minister of Internal Affairs, the General Association for Government Staff and the CMHF. This agreement on conditions of employment did not itself deal with the subject of equal opportunities, but refers in many instances to the general regulations for civil servants (ARAR), which contain concrete provisions on the subject.

Article 33g of the ARAR deals with parental leave. A civil servant employed for longer than a year in a post of 16 hours or more per week can, for a maximum period of six months, take leave for a maximum of half of his or her normal working hours. The number of hours that the civil servant must continue to work may therefore vary between eight and 20 hours per week. This provision is much more favourable for part-time workers than the statutory prescribed form of parental leave. In addition the civil servant continues to receive payment for 75% of the hours' leave taken and therefore earns 87.5% of the last pay packet whilst on leave (Article 33G).

The ARAR also has compassionate leave. A civil servant who cares for next of kin may receive compassionate leave if the latter is ill or if other unexpected events take place which create an emergency situation. The leave is intended for immediate help and for the taking of other measures and amounts to a maximum of 3 x 8 hours per year (Article 33A). In the field of part-time work, too, the ARAR has a regulation. Article 21B of the ARAR accords the civil servant the right at his or her request to switch to part-time work, unless this creates problems for the Service. The employer must always give notice of these objections in writing, so that the civil servant may appeal against them (Article 21B). Government staff also have a complaints scheme in the area of sexual harassment. The complaints scheme provides for the appointment of a mediator and of a complaints committee.

3.2 *Child care*

Dutch government policy is focused on shifting the responsibility for child care provisions from government to the social partners. Through fiscal measures it tries to encourage employers to set up their own child nurseries or to buy places in outside institutions. A CA represents "good practice" if the employer provides child care for both male and female employees. Responsibility for care in that case does not lie automatically with women. In addition it is important that the employer pays for a structural part of the care and does not expect any more than a means-related contribution from parents. The Ministry of Health, Welfare and Sport (Ministerie van Volksgezondheid, Welzijn en Sport) has devised a table which represents a guideline for means-related parental contributions (known as the VWS table). This forms a good starting point for a scheme. The CA should preferably not only provide day nurseries for young children, but also out-of-school or after-school care for children attending school (see also Sloep, 1996: 49).

Previous research shows that there are four schemes which meet the above criteria. The CA for medical insurers and the CA for the contract catering sector have schemes both for day nurseries and out-of-school and after-school care of children up to the age of 12. The scheme applies both to male and female employees. The CAs of Koninklijke Sphinx and the Netherlands Railways have such schemes, but for children up to the age of six (Sloep, 1996: 50).

Tabel 3: Selected CA's with 'good practices' on child care; some core characteristics per CA

CA	Duration	Type	Sector	% Women	Number of employees
Medical insurers	1-01-95 to 31-12-96	Branch of Industry	Business services	10%	9,000
Contract catering	1-03-94 to 29-02-96	Branch of Industry	Commerce & hotel and catering	21%	13,500
Koninklijke Sphinx	1-04-95 to 31-03-98	Company	Industry and mining	10%	11,600
Netherlands Railways	1-04-96 to 31-03-98	Company	Traffic and communications	3%	28,065

3.2.1 The CA for medical insurers

The CA for medical insurers was concluded on 17 February 1995. The parties to the negotiation were the Association of Dutch Medical insurers on the employers' side and the FNV Services Union, the CNV Services Union and the Unie BLHP (MHP) on the employees' side. This CA indicates explicitly that it wishes to promote equal opportunities. Article 2 of the protocol on social policy states that the employers' policy is aimed at "offering employees equal opportunities in the labour organization, irrespective of gender, sexual orientation, race or ethnic origin, nationality, political preference, ideological or religious conviction or marital status" (p. 49). Immediately afterwards this aim is given a concrete form: the parties recommend that in the case of vacancies in an area where women are under-represented, preference should be given to a woman, provided that she meets the requirements of the post in question. In addition, the protocol contains a provision for child care and for unwelcome intimacy. It is striking that the provision on equal opportunities is only elaborated in concrete terms for women. In view of the reference to race and ethnicity, a policy of preferential treatment for immigrants would also have been obvious. This CA is both a self-professed equal opportunities CA and a CA which is good in its context.

The employer invests 0.1% of the total wage bill in child care. This relates both to day care for children up to four years old, and to out-of-school care for children of primary school age (4-12 years). The employee pays a contribution in accordance with the VWS table (pp. 55, 56). The provision on child care was already present in its present form in the previous CA (1 January

1994 to 31 December 1994). In addition the protocol contains an extensive provision in the field of unwelcome intimacies. The employer will pursue a coherent policy, aimed at preventing and combating unwelcome intimacies in the organization. This means that the employer will develop a preventive policy, appoint an mediator and institute a complaints procedure. In addition the employer undertakes to inform employees about this policy (p. 56).

The CA has two further provisions in the field of equal opportunities. Employees who take up parental leave in accordance with the statutory regulations are given the opportunity of extending this leave once by 6 months. The employer retains the right to refuse their request if the interests of the company do not permit it (p. 16). This provision was also present in the previous CA. In addition, since 1 January 1995, the CA has included an agreement on care leave. Employees who have been with the company for at least one year have the right to unpaid leave in the case of the very serious illness of their partner, (foster-)child or (foster-)parent, if he/she is in fact dependent on the care of the employee. The leave may last for a maximum period of 6 months. The employee must continue to work for a minimum of 16 hours per week (p. 17).

3.2.2 *The CA for the contract catering sector*

The CA for the contract catering sector was concluded by the Association of Dutch Catering Organizations as employer and the FNV Hotel and Catering Industry Union and the CNV Industry and Food Union on the employees' side. The CA has a separate section under the heading "Positive Discrimination" (Section X). This section contains arrangements on child care, parental leave, compassionate leave, sexual harassment and "re-entering" women. The section begins with a reference to the Code of Behaviour on anti-discrimination in the hotel and catering industry. The positive discrimination policy is in this way presented as a means of combating discrimination. This CA is therefore a CA which indicates explicitly that it wishes to combat the consequences of discrimination. We can also regard the CA as a CA which turns out to be good in context.

The employer offers nursery facilities for all employees caring for children up to 12 years old.¹⁰ The implementation of the child care scheme has been subcontracted to a private organization (Hop Marjanneke). This organization acts as intermediary in finding childminders close to the

¹⁰ The CA does not indicate what amount of the total wage bill will be invested in this facility.

home or workplace of the employee. The employee pays a means-related parental contribution in accordance with the WVS table. The employer has a fixed budget for financing this provision; employees receive payment in order of entry until the budget is exhausted. Employees who pay for a place in a day nursery are eligible for the same payment as employees who take their child to childminders (p. 40). The child care arrangement has been in force since 1 November 1992.

The CA also has a provision in the field of parental leave. The scheme for parental leave seems to correspond with the statutory scheme, but does not mention any minimum number of hours that the employee must continue to work. An employee would therefore in principal have the option of taking six months' completely unpaid leave (pp. 38, 39). In addition, an employee has the right to 10 days' compassionate leave per year. That is unpaid leave that can be taken up in the event of the illness of the employee's child, partner or housemate (p. 40). The CA also contains a provision designed to prevent unwelcome intimacies. This stipulates that every employee has the right to respect for their personal space and the inviolability of their body. Employers and employees should show mutual respect for this right. Remarks or behaviour of a sexual nature or with a sexual undertone, which cause difficulties for the other party are therefore not allowed. The employer shall appoint an mediator who will counsel and act as intermediary in the case of complaints (p. 38). The agreement mentions a project to encourage the entry of groups in a poor position on the labour market. This would give particular attention to "re-entering women", the long-term unemployed and ethnic minorities. The CA does not indicate what concrete form this attention will take (p. 41).

3.2.3 The CA for Koninklijke Sphinx

The CA of the Koninklijke Sphinx was concluded between the public limited company Koninklijke Sphinx as employer and the FNV Industrial Union, the CNV Industrial and Food Union and the Unie BLHP on behalf of the employees. The CA mentions the promotion of equal opportunities for men and women in the protocol attached to the CA. In offering training, the employer will focus particularly on jobs which could also be taken by women after such training. In addition it will encourage female employees through a training programme and career guidance to move upward to other jobs. It undertakes to produce an annual report on this subject (Protocol, p. 3). This CA is therefore a self-professed equal opportunities CA. It is striking that the section

on equal opportunities refers only to training and career guidance. Although the CA also contains good arrangements in the field of child care and part-time work, these are not linked with the promotion of equal opportunities.

Koninklijke Sphinx offers employees in permanent employment two forms of child care for an indeterminate period. Children up to the age of four are catered for in day nurseries, while there is out-of-school care for children from four to 12. The employer spends a total of 0.2% of the total wage bill on this facility. If there is a waiting list, children of one-parent families are given preference over children from two-parent families. After that children of female employees are given preference over those of male employees. Parents pay a means-related contribution in accordance with the VWS table (Regulation on child care Koninklijke Sphinx NV, 1995: 1-6).

The Koninklijke Sphinx CA also has good agreements in the field of part-time work. Firstly there is a provision which establishes a kind of right to part-time work. Basically every employee has the option of voluntarily transferring to part-time work. However, the employer makes one condition: the nature of the job must permit part-time work (Annex VII, p. 1). Secondly, there is a favourable arrangement for part-time workers in the field of remuneration. Part-time workers who work longer than the agreed number of hours are paid overtime (Annex VII, p. 2). On this point the CA is progressive in comparison with national legislation.

3.2.4 The CA for Netherlands Railways

The collective agreement of Netherlands Railways was concluded on 19 April 1996 between NV Nederlandse Spoorwegen as employer and the FNV Transport Union, the CNV Transport Union, the Federatieve Spoorweg Vakvereniging (Federative Railway Collective Organization) and the Vereniging van Hoger Spoorwegpersoneel (Association of Senior Railway Staff). At the beginning of the agreement the parties express their attention with regard to social policy. "The fundamental principles of social policy are respect for one's fellow man and the "equality" of all people. This is expressed in the aim of equality of treatment regardless of gender, orientation, age, race, skin colour or nationality. When there is specific case of disadvantage in a section of the company, however, arrangements may be made to permit preferential treatment on a temporary basis (p. 1)".

This declaration is elaborated in various social provisions which we can interpret as advantageous for equal opportunities. Firstly, there is an extensive provision in the field of child care. In addition the employer has introduced a scheme for the treatment of complaints relating to sexual harassment. Thirdly, the NS makes a training and recruitment fund available for projects which promote the employment of groups in a difficult situation on the labour market, such as (re-entering) women, those who leave school early and immigrants¹¹ (p. 30).

This CA therefore indicates that it wishes to promote equal treatment and attaches to this preferential treatment of groups in a specific disadvantaged situation. It is therefore a CA which intends to attack discriminatory practices. The agreements in the field of equal opportunities were all taken over from the previous CA which was valid from 1 April 1994 up to 31 March 1996.

The Netherlands Railways finance 250 full-time day care places for NS employees with a working or studying partner, or without a partner, who have to look after children (one-parent families).¹²

The provisions are aimed at children up to the age of seven. For children up to the age of four there are day nurseries, while children from four to seven receive after-school and out-of-school care. The parents pay a means-related contribution in accordance with the VWS table. Because there is a waiting list, applications for a second child (if the first child has already been placed through the NS) receive priority. They are followed by children of one-parent families. Then come applications for the out-of-school care of children previously in the day nursery. Finally come new applications for children from two-parent families.

The complaints processing scheme relating to sexual harassment states that the employer will institute a mediator and a complaints committee. Employees with complaints can turn to the mediator, who will take further action in consultation. That may be an interview with the person causing the complaint, but may also involve the submission of the complaint to the complaints committee (Appendices to the Collective Agreement for the NS, 1994: 10-12).

¹¹ The employer makes Nfl 200,000.00 available on the basis of invoices submitted in both 1996 and 1997.

¹² It is not clear what percentage of the wage bill NS will pay towards this provision.

3.3 Positive discrimination

A positive discrimination plan is a coherent complex of measures which is intended to increase the access of women and their position in the labour organization (DCA/LTD, 1992: 5). We regard CAs as progressive in the field of positive discrimination if a coherent package of this type exists. Recent research into CAs mentions ten CAs with a concrete, coherent package of measures aimed at improving the entry rate and upward mobility of women (Sloep, 1996: 53,54). Four of these ten CAs are mentioned elsewhere in this research report (AVEBE, the contract catering sector, the Joint Administration Office, Koninklijke Sphinx). Six others will be looked at in more detail here. The CA for AT&T Networks mentions measures aimed at changing the company culture and at the influx and upward mobility of women where there is *equal suitability* and has a policy for combating unwelcome intimacies. The CA of the brewers Heineken contains measures aimed at the influx and upward mobility of women, priority for women with *equal suitability* and an evaluation of the positive discrimination policy. The CA for public libraries has a policy of giving priority to women and ethnic minorities with *adequate suitability*. In addition, this CA contains measures to promote the influx and upward mobility of women. The CAs for internal and external workers in the insurance industry offer training courses to improve the upward mobility of women, measures for "re-entering" women and a policy to combat unwelcome intimacies.

Tabel 4: Selected CA's with 'good practices' on positive discrimination; some core characteristics per CA

CA	Duration	Type	Sector	% Women	Number of employees
AT&T Networks	1-04-94 to 31-03-96	Company	Industry & mining	10%	3,185
Building supplies trade	1-04-94 to 31-03-96	Company	Business services	10%	5,500
Heineken	1-01-94 to 31-12-95	Company	Industry & mining	10%	4,900
Public libraries	1-04-94 to 31-03-96	Sector	Other services	51%	9,000
Insurance industry, internal	1-04-94 to 31-03-96	Sector	Business services	10%	33,500
Insurance industry, external	1-04-94 to 31-03-96	Sector	Business services	10%	6,500

3.3.1 *The CA for AT&T Networks*

The CA for AT&T Network Systems (Nederland BV and International BV) was concluded in July 1994 between AT&T Network Systems (Nederland BV and International BV) on the employers' side and the FNV Industrial Union, the CNV Industrial and Food Union and the Unie BLHP on the employees' side. The CA has a separate annex which deals with the position of women. In this it is stated that the policy is directed at promoting the pro-female nature of the company, making the applications procedure pro-female and taking measures to promote the mobility of women to higher functions. The CA does not contain details of what form these intentions are to take in practice (p. 53).

In addition the company is making a number of specific provisions to improve the position of women such as child care, extended parental leave and giving priority to re-entrants. The provision for child care is in an experimental phase. The employer sees child care in principle as the responsibility of government and parents, but says that it is prepared for pragmatic reasons to make provisions, provided the government takes sufficient measures. The company will buy a number of places in existing day nurseries or with childminders for children up to four years old.¹³ The parents must pay a contribution towards this in accordance with the VWS table (p. 53).

In addition the CA offers the employee the opportunity of an extension of 6 months of parental leave, in addition to the statutory arrangement. This can bring the total period of leave up to a year. The employee must continue to work for a minimum of 20 hours per week during this extended period (p. 19). The company states that it wants to be an attractive employer for re-entering men and women. It refers in this to the measures in the field of child care and parental leave, but also the encouragement of part-time work. Employees who previously resigned because of family circumstances can, if they wish, have a familiarization interview about an alternative post (p. 54).

¹³ The CA does not indicate what percentage of the total wage bill will be spent by the employer on child care.

3.3.2 *The CA for the building supplies trade*

The CA for the building supplies trade was concluded between the Association of Dealers in Building Supplies in the Netherlands as employer and the FNV Services Federation, the CNV Services Federation and the Unie BLHP on the employees' side. The parties to the CA commit themselves to work towards a policy which offers everyone equal opportunities in the labour process, irrespective of gender, sexual orientation, marital status, religion, skin colour, race or ethnic origin, nationality or political preference (Article 3, p. 6). This CA is thus a self-professed equal opportunities CA.

The CA has a policy of priority for women. Where there is equal suitability, women are given preference in filling vacancies (Article 8, p. 10). The CA has further provisions which are favourable in the field of equal opportunities. All employees who leave on a temporary basis because of pregnancy or parenthood can take part free of charge in internal training courses during this period. The employer states that it is willing to pursue a policy to combat unwelcome intimacies (Article 5, p. 9). The employer has instituted a fund which provides a subsidy for child care (Article 36, p. 30). Employees have the right to unpaid care leave of a maximum of 15 working days in case of serious illness of spouse, partner, (foster-) child or (foster-) parent. In the case of illness or accident affecting the child the employee may take off four days per year in order to make arrangements (Article 35, p. 30). These arrangements are all described in a fairly succinct way.

The CA has an extensive provision in the field of part-time work with the employer aiming for 15% of employees to be part-time workers by 1 April 1997. This means that the employer will in principle honour a request for part-time work, unless this cannot be reasonably granted on grounds of company interests. No post at all will be excluded in advance from part-time work. In the case of vacancies and replacement the employer will make as much use as possible of part-time jobs (22-32 hours). In addition priority will be given to offering substantial part-time jobs to employees in small part-time jobs. The introduction of part-time working must not normally lead to a reduction in permanent staff. Full-time and part-time staff will be treated equally (Article 9, p. 11).

3.3.3 *The CA for Heineken*

The CA for Heineken was concluded between Heineken Nederlands Beheer BV as employer and the FNV Industrial Union, the NCV Industrial and Food Union and the Unie BLHP as trade unions. The CA contains an article on positive discrimination that refers explicitly to equal opportunities and discrimination: "The parties to this CA reject discrimination in appointments and declare that they will do everything in their power to promote equal opportunities for men and women in the labour process" (Annex IX, Article 4, p. 49). This means that the employer will pursue a recruitment policy aimed at women and will devote extra attention to the training of women. In addition the employer will promote the upward mobility of women by means of expansion of responsibilities, training, education and a career promotion policy. In recruitment and selection women will be given priority if equal suitability can be shown. The parties will evaluate the efforts in the field of positive discrimination (p. 49).

In addition the employer offers care facilities for children up to three years old.¹⁴ The arrangement is only applicable to female employees and single fathers (Annex IX, Article 5, p. 50). Male employees with a partner can therefore not make use of it. From the point of view of redistribution of responsibilities between men and women this arrangement is less favourable; the responsibility for the care of children seems here to lie entirely with women. However, in practice it is mainly women and single fathers who will have a need for this provision. Given the limited number of places on offer for the facility, it is obvious that these groups should of necessity be given priority.

Article 5 of Annex IX deals with unwelcome intimacies. The employer will try as far as possible to make arrangements to ensure that unwelcome intimacies are prevented and combated. The measures with regard to the prevention of unwelcome intimacies are not specified in any more detail. With regard to the treatment of complaints the CA refers to the right of complaint in accordance with the personnel affairs handbook. If an employee is found guilty of unwelcome intimacies, that employee runs the risk of having his/her employment terminated (p. 50).

¹⁴ The CA does not indicate what amount of the total wage bill is spent by the employer on child care.

The CA also has an article on part-time work. The employer wants to increase the opportunities for working part-time and is trying to achieve a target of 10% of employees working part-time by 01-01-97. This, however, does not mean that every job can in principle be filled on a part-time basis; it will be decided for each business division what jobs are eligible for part-time work and to what extent. Employees who are refused their request for part-time work can ask for a written explanation of this. Employees who work more hours than is agreed in their part-time contract are given holiday pay, holiday allowances and a pension in respect of the additional hours (pp. 54,55).

3.3.4 The CA for public libraries

The CA for public libraries was concluded between the employers' association for public libraries and the trade unions AbvaKabo (FNV) and CFO (CNV). The parties to this CA state explicitly in Article 43 that they reject discrimination in employment and state that they wish to promote equal opportunities for men and women and for members of ethnic minorities. In order to achieve this goal the employers will in consultation with the staff-management council make more detailed arrangements with regard to recruitment and selection, training and career guidance. In the field of recruitment and selection, employers will promote the priority treatment of women and members of ethnic minorities, where there is equal suitability, if they are under-represented in certain groups of jobs. In order to promote upward mobility, the employer will actively promote participation of women and ethnic minorities in training courses. In order to combat the exodus of women and ethnic minorities the employers will introduce measures to promote the combination of paid labour and care responsibilities (p. 37). This CA therefore clearly indicates that it wishes to deal with discriminatory practices.

By way of measures facilitating the combination of paid work and care responsibilities the CA contains provisions in the field of parental care and child care. According to Article 44 employees have the right to parental leave in accordance with statutory provisions. In a divergence from the statutory arrangement, they do not need to work for 20 but for a minimum of 10 hours (p. 38). Part-time employees will in this way become eligible for this arrangement sooner. This is very relevant in this sector, because there are many part-time workers. The 9,000 employees falling under this CA together occupy 5,000 positions.

Article 45 indicates that the employer will promote the provision of child care for employees who wish it. It may be a matter of a day nursery attached to the public library or buying places in an outside day nursery. The CA clearly indicates that the ultimate decision on offering this provision will be taken in consultation with the staff-management council and/or another employee representative body (p. 38).

3.3.5 The CA for the insurance industry (internal and external)

The CAs for the insurance industry (internal and external) were concluded on 19 May 1994 with the Federation of Insurers as employer and the trade unions FNV Services Union, CNV Services Union, the Unie BLHP and the VHP (both MHP) on the employees' side, together with the independent occupational union for banks and insurance companies, the BBV. They apply to all employees in the insurance industry, with the exception of those who fall under a company which has concluded its own CA, such as Centraal Beheer.

These CAs indicate explicitly that they wish to promote equal opportunities. Articles 19A (Internal) and 15A (External) state: "The employer will pursue within the social policy as formulated an active policy aimed at creating equal opportunities for men and women. In order to reduce the disadvantaged position of women in the labour market, the employer will give particular attention the position of women in the labour market in its own company". Attention will be particularly focused on the influx of women into senior posts, the promotion of the upward mobility of women by offering training courses, and reducing the exodus of women, the latter by offering part-time jobs to employees who have to choose between paid employment or family. Employees who stop working because of the birth or adoption of a child will be given priority if they re-apply within four years for a job with the same employer (p. 27/p. 20).

In addition the employer will introduce a number of measures facilitating the combination of parenthood with paid work, namely unpaid maternal leave and child care. Maternal leave gives female employees the opportunity of taking 20 hours per week unpaid leave in addition to the statutory parental leave of six months. In combination with the statutory parental leave, this maternal leave gives female employees the opportunity of six months' completely unpaid leave. The female employee has a right to return to the same job for the original number of hours (p. 28 or 21). It is striking that the intention to promote equal opportunities is here translated into a

provision which applies only to women. Men are obviously not regarded as employees for whom extra facilities are needed in order to combine paid labour and care. The responsibility for the care of children appears here to rest entirely with women.

The second provision is child care. This provision applies to all female employees with children under the age of four and to single men (p. 28 or 21). Such a scheme is also less favourable from the point of view of the redistribution of responsibilities between men and women. However, in practice it will be mainly women and single men who will want to make use of this facility. The parties to the CA have probably opted to allot the scarce facilities to the groups who need it most. These CAs are therefore self-professed equal opportunities agreements. They help women to combine paid labour with care, but do not contribute to the redistribution of care between men and women. The insurance companies also state that they will pursue a policy aimed at combating unwelcome intimacies. The responsibility for implementation lies with the companies (p. 29 or 22). Although this provision does not mention any concrete measures to combat unwelcome intimacies, such a provision will probably encourage companies to do something about this area.

3.4 Part-time work

A CA is progressive in the field of part-time work if it gives employees a (contractual) right to transfer to part-time work. By now this is the case in a large number of CAs in the Netherlands. A contractual right to part-time work is now present in a minimum of 80% of CAs (Franssen, 1995: 8). In addition a CA is progressive if, in anticipation of statutory regulations, it treats full-time and part-time workers equally. From previous research, eight CAs are known which meet both conditions (Sloep, 1996: 46). Two of these will be discussed elsewhere in this research report (Medical insurers, Home Care). Of the remaining six CAs there are two which contain an extra measure to promote part-time work in the form of a financial incentive to employees who convert their full-time job into a part-time job; namely the CA for the Joint Administration Office and the CA for Unilever. Although these measures were not explicitly taken to promote equal opportunities, we nevertheless see them as progressive. The encouragement of part-time work, particularly for male employees, can contribute to the redistribution of care responsibilities between men and women. We shall look in more detail at these two CAs here.

Table 5: Selected CA's with 'good practices' on part-time work; some core characteristics per CA

CA	Duration	Type	Sector	% Women	Number of employees
Joint Administration Office	1-07-94 to 30-06-96	Branch of industry	Business services	10%	18,440
Unilever	1-03-94 to 29-02-96	Branch of industry	Industry & mining	10%	4,099

3.4.1 The CA for the Joint Administration Office

The CA for the Joint Administration Office was concluded between the Joint Administration Office as employer and the FNV Services Federation, the CNV Services Federation, the Unie BLHP and the VHP on the employees' side. The CA pays attention specifically to equal opportunities; the employer undertakes to insure that there is an active policy aimed at promoting equal opportunities for men and women in the labour process. This means that the employer will try to remove obstacles to the participation of women, will make provision for child care, and will promote re-entry (p. 75).

The CA also contains a provision which promotes part-time work. Full-time employees who wish to work 20% less are given a one-off allowance of 50% of the gross loss of income. This measure applies only to full-time workers in permanent employment and is intended as a measure to reduce the number of jobs without there being the necessity for dismissals.

In removing obstacles to the participation of women in the labour process the parties to the CA have in mind particularly measures connected with recruitment selection and training. The employer will expressly invite women to apply for jobs at managerial level. In addition it will provide managers and personnel officers with information which improves the position of women in the context of recruitment and selection. The employer will pursue a policy aimed at encouraging women to make use of opportunities relating to training and education and in restructuring try to avoid particularly disadvantageous consequences for women (p. 75).

In addition the employer offers the possibility of child care for children up to four years old with recognized institutions. The provision is available to men and women with family responsibilities and the employer will spend not more than 0.2% of the wage bill on it (p. 75). The provision for the promotion of re-entry means that employees who stop work because of the birth or adoption of a child may request when they leave the employment that they be reconsidered for a job within four years. If a employee performed well, has relevant experience and is prepared to bring his or her knowledge and skills up to date, the employee concerned will be given priority over other candidates if a suitable job becomes vacant within four years (p. 76).

3.4.2 The CA for Unilever

The CA for Unilever was concluded between Nederlandse Unilever Bedrijven BV as employer and the FNV Industrial Union, the FNV Food Union, the CNV Industrial and Food Union and the Unie BLHP on the employees' side. The CA states explicitly that the employer undertakes to do its best to pursue a policy aimed to work towards equal opportunities within the labour organization for employees of equal status, irrespective of gender, sexual orientation, marital status, ideological or religious conviction, colour of skin, race or ethnic origin, nationality and political preference (p. 8). However it is not elaborated what kind of concrete form this is to take in the policy of the company.

Except for the provision for the promotion of part-time work, there are scarcely any arrangements in the CA which tend to promote equal opportunities for men and women. There is only one provision which offers an opportunity for care leave. In consultation with the employer, an employee may interrupt work if a situation occurs in which it is vitally necessary to provide care for a member of his or her household and no other solution is available. The length of the care leave and payment of it must be arranged in mutual consultation (p. 52).

The premium paid for part-time work means that employees who decide to start working shorter hours receive a one-off premium of 1% of the annual salary for each hour less they decide to work. This premium was probably introduced to prevent compulsory redundancies, a pre-condition for the award of a premium being that the reduction in the number of working hours will result in a redistribution of work. The employer endeavours to treat the part-time worker favourably in other ways too. The employer will seriously consider any request to convert a full-time post into a part-time post. The decision will be explained in writing. Employees who work longer than the working time agreed per day or per week receive a remuneration for these hours in which an additional vacation bonus is incorporated. On these hours they also accumulate holiday entitlement and rights to a reduction in working hours and can also make pension claims on these hours (p. 89).

3.5 Equal pay

A CA is progressive in the field of equal pay if it indicates that the system for job evaluation will be reviewed to see whether there is any pay discrimination and can if necessary be adjusted. No research has been done on the presence of such agreements in CAs in the Netherlands. Professionals working in the field of the social partners were able to mention a number of CAs which contained such provisions, namely the CA for home care and the CA for hospital staff.¹⁵ We shall describe these two CAs in more detail.

Tabel 6: Selected CA's with 'good practices' on equal pay; some core characteristics per CA

CA	Duration	Type	Sector	% Women	Number of employees
Hospital staff	1-04-94 to 01-03-96	Branch of industry	Other services	51%	258,000
Home care	1-01-95 to 31-03-96	Branch of industry	Other services	51%	105,000

3.5.1 The CA for home care

The CA for home care has been in force for only a short time, since 1 January 1995, in fact. The CA was concluded between the Landelijke Vereniging Thuiszorg (the National Association for Home Care) as employers and the AbvaKabo (FNV) and CFO (CNV) on the employees' side. The independent organization LAD (Landelijke vereniging van artsen in dienstverband = National Association of Doctors in Salaried Employment) and NU 91 (Nieuwe Unie 91 = New Union 91) also took part in the negotiations. The CA is an amalgamation of the CA for home nursing and anti-tuberculosis work and that for family care. Concern with job evaluation was particularly evident in the previous CA for home nursing and anti-tuberculosis work. In the CA from 1-04-02 to 31-03-94 the parties to the negotiation agreed to institute an investigation into the method of job evaluation, since criticism had been levelled at it: "The criticism consists of such points as the

¹⁵ With thanks to Jos Huber, Policy Officer with the FNV and Loes van Hoogstraten, Policy Officer with VNO/NCW.

fact that jobs which were historically carried out by women are valued less highly than other jobs. This refers particularly to the fields of the caring and nursing." The parties would adjust the job evaluation system if it is shown that the criticism was well-founded (protocol).

In the current CA for home care nothing more is found on this topic. Inquiries elicited the answer that the research project has been concluded in the meantime, but that the results did not lead to the radical revision of the job evaluation system. Although such conclusions raise questions, the research report was published only internally and is not accessible to outsiders.¹⁶

The CA for home care also contains other provisions in the field of equal opportunities. The parties state explicitly they want to make every effort to promote equal opportunities for men and women and ethnic minorities in the labour process. For example, there is a policy of preference for groups which are under-represented in certain posts where there is equal suitability. The employer offers these groups training in order to promote mobility to more senior posts.

In addition the employer creates measures facilitating the combination of paid work with care responsibilities to prevent women and ethnic minorities leaving the labour organization (p. 26). For example, the employer makes an annual sum of 0.1% of the wage bill available to create child care facilities. This may relate to a day nursery within the institution, buying a place in an outside institution, or remuneration of the costs incurred by the employee himself or herself for child care (p. 25). The CA also contains an extensive provision in the field of sexual harassment. The employer undertakes to take measures which as far as possible protect the physical and intellectual integrity of the employee. This means that an employee may immediately interrupt his or her work if he or she is confronted with sexual or other forms of harassment in a client's home. This must be reported immediately to the employer. The employer will institute an investigation and take measures to prevent repetition. The employee who has reported the case of sexual or other harassment has the right to refuse to be re-assigned to the client concerned (p. 25). The CA states that all jobs can in principle be carried out on a part-time basis.

¹⁶ With thanks to Hans Bosveld of the National Association for Home Care.

3.5.2 *The CA for hospital staff*

The CA for hospital staff was concluded on 28 May 1994 between the Vereniging Nederlandse Zorgfederatie (the Association of Dutch Care Federations) as employer and the AbvaKabo, the CFO and the FHZ (Federatie van verenigingen van hogere functionarissen in de gezondheids- en bejaardenzorg = Federation of Associations of Senior Staff in Health Care and Care for the Elderly).

The parties state that they will undertake a joint study into possible elements of sex discrimination in the system of job evaluation. They refer to testing the evaluation of caring and management responsibilities (p. 70). This provision was already present in the previous CA which ran from 1-04-92 to 31-03-94. As a result of the research a revision of the job evaluation system is underway, which will probably be concluded in 1997. A part of the revision is the elimination of sexually discriminatory provisions.

This CA also contains other arrangements in the field of equal opportunities. For example, the employer has set up a promotional fund for child care. In addition the CA offers the possibility of paid care leave for three months for nursing a seriously ill partner, (foster-) parent or (foster-) child. The CA also contains an agreement in the field of unwelcome intimacies (p. 8). According to the CA women re-entering the labour market will receive preferential treatment.

3.6 Sexual harassment

We regard CAs as progressive if they contain measures which combine the prevention of sexual harassment with combating it. Four CAs are known from earlier research which combine concrete preventive measures with measures aimed at combating sexual harassment or unwelcome intimacies: the two CAs for the printing industry (administrative and technical staff), the CA for the daily newspaper industry and the CA for Sigma Coatings (DCA/LTD, 1992: 122). A more recent research project that does not deal with sexual harassment, but does mention a CA in which a policy both for the prevention and a policy for the combating of sexual harassment has been elaborated, is the CA for AVEBE (Sloep, 1996: 53). We will not deal with these CAs further here.

Tabel 7: Selected CA's with 'good practices' on sexual harassment; some core characteristics per CA

CA	Duration	Type	Sector	% Women	Number of employees
Printing industry	27-01-96 to 1-02-97	Branch of industry	Other services	10%	60,000
Daily newspaper industry	1-02-93 to 31-01-96	Branch of industry	Other services	10%	61,000
Sigma Coatings	1-04-94 to 31-03-96	Company	Industry & mining	10%	1,000
AVEBE	1-03-95 to 29-02-96	Company	Industry & mining	10%	1,634

3.6.1 The CAs for the printing industry (administrative and technical)

The printing industry has CAs both for administrative staff and for technical staff. The blanket provisions of both CAs are the same. The agreement was concluded on 9 March 1996 between the Koninklijk Verbond van Grafische Ondernemingen (Royal Federation of Printing Companies) and the Vereniging van Kleinere Grafische Ondernemingen (Association of Smaller Printing Companies) as employer organizations and the FNV Print and Paper Union and the CNV Printing Union on behalf of the employees. The parties to the CA indicate explicitly that they wish to work towards the development of a policy which offers equal opportunities to everyone in the labour

process. This means that discrimination is not allowed in the recruitment and selection, appointment or dismissal of staff, nor in the employment conditions, irrespective of whether there is a contract of employment or another agreement for the performance of work (p. 125).

The parties elaborate this principle by, for example, stating that unwelcome intimacies are unacceptable. They will take effective measures to prevent unwelcome intimacies within the work organization. That means that the employer will organize the work and work environment in such a way that unwelcome intimacies are prevented. In addition the employer must take measures to facilitate careful handling of complaints, such as the employment of an mediator and the institution of a working party on unwelcome intimacies which acts as intermediary and advises when a complaint is submitted to the central committee. The working party can call in the help of the experts such as a doctor or social worker (pp. 125-126). The provision is not new in this CA, but has been incorporated from the previous CA which ran from 31 January 1993 to 27 January 1996. In addition the employer makes 0.1% of the annual wage bill available to finance child care. The intention is that employees with child care responsibilities can enter and be retained in the printing industry. This means that employers buy places at recognized child care institutions. This applies to children up to four years old. The parents pay a means-related contribution in accordance with the WVC table (pp. 156-157).

3.6.2 The CA for the daily newspaper industry

The CA for administrative staff in the daily newspaper industry in the Netherlands was concluded on 10 March 1995 between the Vereniging De Nederlandse Dagbladders (the Association of Dutch Daily Newspapers) as employer and the FNV Print and Paper Union, Nederlandse Christelijk Grafische Bedrijfsbond (the Netherlands Christian Printing Industry Association), the FNV Services Union and the Unie BLHP as trade unions. The parties undertake in the CA to work towards a policy which offers everyone equal opportunities in the labour process. This means that discrimination is not permitted. That principle applies to the recruitment and selection, employment or dismissal of staff and to all conditions of employment, irrespective of whether there is a contract of employment or another kind of agreement on the performance of work (p. 126).

The formulation of the provision on unwelcome intimacies is very similar to that in the CA for the printing industry. The parties will take effective measures to prevent unwelcome intimacies within the work organization. The employer must organize work and the work environment in such a way that unwelcome intimacies are prevented. In addition the employer must take measures to make it possible for complaints to be dealt with carefully, such as the appointment of an mediator. The central committee is authorized to deal with complaints relating to unwelcome intimacies. It can call on the help of experts such as a doctor or a social worker (p. 140). This provision is not new in this CA but was already present in the previous two (from 1 February 1991 onwards).

The CA contains provisions in the field of equal opportunities. The parties will encourage giving preferential treatment to women and immigrants if they have sufficient qualifications. If women are under-represented in management posts, and the candidates are equally suitable, the employer will give preference to a woman in filling a vacancy(p. 145). In addition the CA indicates that the employer will make 0.2% of the annual wage bill available for the financing of child care (p. 146).

3.6.3 *The CA for Sigma Coatings*

The CA for Sigma Coatings was agreed between Sigma Coatings BV as employer and the FNV Industrial Union, the CNV Industry and Food Union, the Unie BLHP and the VHP as trade unions. The CA deals explicitly with equal opportunities and discrimination: "The parties to this collective agreement reject discrimination in employment and state that they are prepared to make every effort to promote equal opportunities for men and women in the labour process, particularly in the case of internal vacancies". This means among other things that the employer will encourage female employees to participate in internal and external training opportunities (p. 7). The progress of equal opportunities will always be discussed in discussions between the CA parties.

The CA contains an annex relating to unwelcome intimacies/unwelcome behaviour. This annex describes unwelcome intimacies as "unwelcome, sexually coloured attention, expressed in verbal, physical or other non-verbal behaviour, that, deliberately or otherwise, can only result in the creation of a (very) unpleasant working atmosphere". The employer indicates that it is aware of its responsibility to prevent and combat unwelcome intimacies. That means that the board of management will state emphatically and repeatedly that it regards such intimacies as completely intolerable.

The employer will pursue a policy which is aimed at preventing unwelcome intimacies. In addition it will appoint a female member of staff as an mediator. This person will have the task of supporting complainants, giving advice, investigating the possibilities of solving the problem and referring them onwards to bodies who can deal with the problem. In addition she has the task of advising when asked or without being asked on preventive measures. The Annex also imposes an obligation on employees: "The employee should refrain from behaviour towards a colleague which the latter indicates, and which the perpetrator must reasonably understand, that he/she regards as unwelcome intimacy" (p. 47). In addition Sigma Coatings will provide a financial contribution of NLG 150,000 per annum for the care of children up to four years old, and if necessary the out-of-school care of children up to the age of 12.¹⁷

3.6.4 The CA for AVEBE

The CA for AVEBE was concluded between the AVEBE Coöperative Verkoop- en Produktievereniging van Aardappelmeel en Derivaten (the Co-operative Sales and Production Association of Potato Flour and Derivatives) as employer and the FNV Industrial Union, the CNV Industrial and Food Union, the Unie BLHP and VHP as trade unions. It is a self-professed equal opportunities CA: the parties reject discrimination in employment and undertake to promote equal opportunities in the labour process (Article 2, p. 7). This means that women will be encouraged to take part in training courses. Other provisions which promote equal opportunities - the combating of unwelcome intimacies, preferential treatment of women - are formulated within the framework of social policy.

The parties regard sexual harassment as unacceptable and will contribute actively to the prevention and combating of sexual harassment at work. The employer will arrange the work organization and work environment in such a way that sexual harassment is prevented. In addition the employer is required to pursue a coherent policy: namely the development and implementation of a preventive policy and the development and implementation of a complaints procedure. In addition there is an mediator for employees who encounter unwelcome intimacies. It is possible, in consultation with the mediator or not, to submit a complaint to the complaints

¹⁷ It is not clear what percentage of the total wage bill this amount represents.

committee, which gives a yearly summary of the number of complaints to the central works council. The confidentiality of complaints is guaranteed (Article 7, pp. 13,14).

In addition the employer will pursue a policy aimed at improving the position of women within the company quantitatively and qualitatively. This means that women will be given preferential treatment where there is equal suitability for a vacancy. The employer will encourage the participation of women in job-orientated training. In addition the employer will permit part-time work and offer opportunities for re-entry (Article 7, p. 14).¹⁸

¹⁸ The Article also mentions the removal of prejudices as a measure. It is not clear what concrete form the employer intends to give this.

Table 8. Overview equal opportunities provisions

CA	Equal opportunities	Anti-discrimination	Parental leave	Child care	Positive discrimination	Part-time work	Equal pay	Sexual harassment	Type	Sector
Public sector	?	?	P and EX			E		X	sector	public
Employment service	X	X	P and EX	X		E and O		X	branch of industry	other services
AVEBE	X	X			PT with ES	E		X	company	industry
AT&T networks			P	X	PTR				company	industry
Centraal Beheer			P	X		PP			company	business services
Contract catering sector	X	X	EX	X				X	branch of industry	trade and hotel, restaurant and catering
Daily newspaper industry	X	X		X	PT with ES			X	branch of industry	business services
Joint Administration Office	X			X	PTR	E and PP			branch of industry	other services
Printing industry (administrative and technical)	X	X		X				X	branch of industry	other services
Building supplies trade	X			X	PT with ES	E		X	branch of industry	business services
Heineken	X	X		X	PT with ES	PP		X	company	industry
Youth assistance			P	X					branch of industry	other services
Koninklijke Sphinx	X			X		E and O			company	industry
Netherlands Railways	X			X	PT			X	company	transport
Public libraries	X		EX	X	PT with SS				branch of industry	other services

CA	Equal opportunities	Anti-discrimination	Parental leave	Child care	Positive discrimination	Part-time work	Equal pay	Sexual harassment	Type	Sector
Sigma Coatings	X	X						X	company	industry
Home care	X			X	PT with ES		X	X	branch of industry	other services
Unilever	X					E and PP			company	industry
Insurance (internal)	X		EX	X	PTR			X	branch of industry	business services
Insurance (external)	X		EX	X	PTR			X	branch of industry	business services
Hospital staff				X	PTR			X	branch of industry	other services
Medical insurers	X		EX	X	PT with ES				branch of industry	business services

- P = paid parental leave
 EX = extension of parental leave
 PT = preferential treatment
 PT with ES = preferential treatment with equal suitability
 PT with SS = preferential treatment with sufficient suitability
 PTR = preferential treatment for re-entrants
 E = entitlement to part-time work
 PP = promotion of part-time work
 O = overtime pay

4. Conclusion

This report describes 23 recent Dutch CAs with progressive provisions in the field of equal opportunities for men and women. A broad interpretation has been used of the concept of equal opportunities. It refers therefore not only to measures which give women equal access to the labour organization, but also, for example, measures which help in the combination of paid work and care. The CAs were selected on the basis of the question of whether they contained progressive provisions in the fields of the combination of paid labour and work, sexual segregation in the labour market, working hours, discrimination in pay, and organizational culture (Bercusson, 1996). The fact that provisions are progressive in content does not, however, provide a guarantee that they also operate favourably in practice. Reversely it is also possible an equal opportunities policy is made in practice, without the presence of provisions on this topic in the CA. In the third phase of this research project we shall deal in greater detail with the process of the creation and implementation of an equal opportunities CA.

CAs can easily be inspected in the Netherlands. The Ministry of Social Affairs and Employment has an archive in which all recent CAs are stored. However, because of the enormous amount of material (circa 1000 CAs) an analysis of CAs without prior selection is a hopeless task. For this selection we had to base ourselves on previous research into the content of CAs (DCA and LTD, Sloep, Spaans, and Van der Werf, SZW). The most recent versions of CAs which seem to stand out in previous research were retrieved and subjected to analysis. It was only in the case of provisions in the field of pay discrimination that we were we not able to base ourselves on previous research. On this topic we gathered information from experts within the social partners. We also checked with them if we didn't miss progressive CAs from recent date.

In the analysis we looked both at declarations of principle on equal opportunities and discrimination and at concrete provisions which in practice seem to promote these. There was particular emphasis on the topic to which the provision applied, the way in which the CA promotes equal opportunities and the sector to which the CA applies. The conclusion will now deal with these components in greater detail.

4.1 *Topics*

In the Dutch context CAs promote the combination of paid labour and care when they have good provisions in the field of parental leave and child care. We have selected four CAs which have a provision for "partial" payment of parental leave. One of them is not a CA in the strict sense of the word, it is an employment conditions agreement for government staff. These CAs are innovative both in the Dutch and in the European context. Since 1991 there has been a statutory right in the Netherlands to unpaid parental leave for six months, with the employee having to work a minimum of 20 hours per week. An imminent change in the law will probably make it possible to give parental leave a more flexible form, but the leave will remain unpaid. At European level a Directive on Parental Leave is accepted. It speaks of three months' leave for the whole period of work or a part of it. The payment of hours' leave is not discussed.

Payment for parental leave is progressive because it promotes fathers to take the leave. With that is can contribute to the redistribution of care responsibilities between men and women. For some years Dutch government staff have had an arrangement whereby they continue to receive a part of their last wage packet during leave. This turns out to encourage male employees in particular to make use of this opportunity. It is striking that the CAs which we are describing are never more favourable than the employment conditions agreement for the public sector. During leave employees earn 62.5% (Youth Assistance) 75% (Centraal Beheer) and 80% (Employment Service) of the last pay packet, while government staff receive 87.5% of the last wage packet. In this field the State turns out to be the best employer.

In the field of child care we have selected CAs which indicate that the employer both provides day care for children up to primary school age (0-4) and out-of-school care for children of primary school age (4-12). The care must be available for both male and female employees and not require a more than reasonable financial contribution from them, such as is, for example, laid down in the parental contributions table of the Ministry of Welfare, Health and Sport.

Such provisions are favourable both in a Dutch and in a European context. Since 1 January 1996 the Dutch government has encouraged the creation of child care provisions by employers through a tax

incentive scheme. Companies can deduct 20% of the cost of this from the wage taxes. At a European level the recommendation was made in 1992 that member states should take initiatives or encourage the creation of child care provisions for working, studying or work-seeking parents. The child care provisions should help both men and women to combine care responsibilities with paid employment and must not require more than a reasonable financial contribution. The CAs for medical insurers, contract catering, Koninklijke Sphinx and Netherlands Railways meet these criteria.

In the field of sexual segregation we can regard a CA as progressive if it contains a coherent package of measures in the field of positive discrimination. This means measures for the improvement of the stream in and the stream through, sometimes by a preferential treatment for women. Although these measures are implemented on organization level, the presence of provisions on this topic in the CA seems to have a positive influence. A coherent package of measures we found in the CAs for AT&T Networks, the building materials trade, Heineken, the public libraries and the 2 CAs for the insurance industry. A CA of this type is favourable both in a Dutch and in a European context. Both the Dutch legislation in the field of equal treatment and the European Directive on equal treatment for men and women in the labour process give scope for a policy of preference for women if there is a disadvantaged position. The recent judgment of the European Court on positive discrimination will probably have no consequences for the Dutch situation. An agreement which is "absolute and unconditional" which gives absolute and unconditional preference to women (Kalanke) is not permitted in the Netherlands. The degree of disadvantage of women in a particular post is determined on the basis of the number of qualified women available in the labour market, while the extent of the preferential treatment must be in direct proportion to the seriousness of the disadvantage.

We regard a CA as progressive in the field of working hours if it contains favourable agreements on part-time work. In this context we think of the equal treatment of full-time and part-time staff, the right to transfer to part-time work, and a stimulus for making the transition from full-time to part-time employment. We found two CAs which meet these criteria, namely the CA for the GAK and the CA for Unilever. These CAs are favourable in the Dutch context because they anticipate a bill giving employers the right to reduce a complete working week by a maximum of 20%. A financial stimulus for full-time staff to work part-time is favourable because this can contribute

to a redistribution of the care responsibilities between men and women. Such a stimulus will particularly encourage male employees to accept a part-time appointment. In addition we found in a number of CAs provisions which give part-time workers the right to overtime payment when they exceed the agreed number of working hours. Although this was not a selection criterion we should still like to mention these CAs in passing. These are the CAs for the Employment Service and the CA for Koninklijke Sphinx (earthenware factory).

We regard a CA as progressive in the field of equal pay when the parties indicate that they want to test the job evaluation system for sex discrimination. In the Netherlands since 1975 there has existed the Equal Pay for Men and Women Act, and at European level the Directive on Equal Pay for Men and Women was issued in 1975. In 1996 a Code of Behaviour and a Memorandum on this topic will be accepted. Investigation of sex discrimination in the system of job evaluation is a further elaboration of this legislation; this is particularly a question of the difference in pay between men and women who perform work of equal value (indirect discrimination). The CA for home care and the CA for hospital staff have taken this topic into account.

We regard a CA as progressive in the field of organizational cultures if it obliges employers to pursue a policy both to prevent and to combat sexual harassment. Such a provision is progressive in the Dutch context; the Conditions of Employment Act requires employers to pursue a policy to prevent sexual harassment, but does not oblige them to make agreements on this subject in the CA.

At European level there is a Recommendation and a Code of Behaviour to combat sexual harassment at work. The latter instructs employers both to take measures of a preventive nature and to develop procedures to combat sexual harassment. The two CAs for the printing industry, the CA for the daily newspaper industry, for Sigma Coatings (plastics) and for AVEBE (potato flour) all meet these criteria.

4.2 *Equal opportunities*

In their theoretical framework Bercusson and Dickens made a distinction between CAs which declare that they intend to promote equal opportunities and CAs which turn out to be good when looked at *in context*. In the Dutch situation these categories turn out to overlap to a large degree. Almost all CAs in this research project contain both a declaration of principle on the promotion of equal opportunities and concrete arrangements which also seem to do that in practice. The concrete provisions have obviously come about as part of a more general intention to promote equal opportunities. Such a declaration of principle is absent in only two CAs, namely that for Centraal Beheer and that for Youth Assistance. Both CAs nevertheless contain striking provisions on continued payment during parental leave; so that they are definitely "good in context".

Bercusson and Dickens make a second distinction between CAs which proclaim an intention of wishing to promote equal opportunities and CAs which also actually plan to tackle discriminatory practices. This distinction is also difficult to find in the Dutch situation. Seven CAs contain a provision which announces that the parties to the negotiation reject discrimination on the basis of sex. These provisions, however, constitute a further elaboration of provisions on the promotion of equal opportunities; a reference to discrimination therefore only occurs with a reference to equal opportunities.

It is striking that most CAs give a limited interpretation of the concept of "equal opportunities". The declarations of principle on equal opportunities (and discrimination) then refer to promoting the position of women by paying special attention to this group in recruitment and selection, training and mobility. This interpretation seems to refer to a formal approach to equality. Women are in principle given the same opportunities as men, but for this they must adapt to the male norm in the labour organization.

In some cases the provisions on equal opportunities also refer to the measures to combine paid labour with care responsibilities such as child care and parental leave. Or they refer to provisions designed to make the organizational structure more accessible for women, such as those combating sexual harassment. Here we are dealing with a broad interpretation of the notion of "equal opportunities". This interpretation seems to refer to a material approach to the concept of equality; women do not only need to adapt to the work organization, but the work organization must also adapt to them.

4.3 Sectors

The CAs we describe are somewhat scattered over various sectors, although the sector "Other services" is proportionately very strongly represented. Many CAs in this sector relate to former State institutions. The favourable employment conditions schemes of the previous employer, the government, probably continue to influence the content of the CAs. In the business services industry we also find a relatively large number of CAs in the field of equal opportunities. These sectors account for approximately 10% of women employees each.

It is striking that almost all the CAs selected contained several provisions in the field of equal opportunities. In this way they prove to be real "examples of good practice". They were selected because they had a progressive provision regarding one topic, but are shown also to stand out in other respects. Obviously topics in the field of equal opportunities are often together on the negotiating agenda or stay there again and again. In particular, provisions for child care turn out to be popular, and almost all the CAs selected contain provisions on this subject. The fields of positive discrimination and sexual harassment also recur frequently. Provisions in these fields are present in two-thirds of the CAs examined. Additions to the statutory regulations for parental leave were found less frequently, while we found indirect discrimination in job evaluation systems only in the CAs about which we were advised.

Many provisions in the field of equal opportunities seem only to be given a concrete form in the companies themselves. The CA contains for example a general provision on sexual harassment, which is given more precise content in a regulation from the personnel department. The same applies to provisions for child care. The CA only indicates what percentage of the wage bill the employer is prepared to devote to this while the concrete elaboration is to be found in an internal scheme. Here there seems to be an important role for the company staff-management committees.

The presence of provisions on equal opportunities in CAs seems to play mainly a condition-creating role for these consultative bodies. It emerges from previous research that companies which are governed by CAs with an agreement in the field of positive discrimination and sexual

harassment are much more likely to have a concrete regulation in this field than the companies which are not governed by such a CA (DCA/LTD, 1993).

A strikingly large number of provisions which we describe in this research paper turn out to have been included quite a number of years ago. Equal opportunities especially seems to have been an important bargaining subject in the eighties. The provisions which were included some time ago often turn out to have become more favourable over the years. The percentage of the total wage bill that the employer invests in child care, for example, increases in every new CA.

In the Netherlands a reasonably large amount of research is available on the content of CA provisions and a large proportion of this has been carried out by the Inspectorate of the Ministry of Social Affairs and Employment. Only on the subject equal pay/indirect discrimination in job evaluation systems were we unable to find anything. It transpired that the database of the Inspectorate was not open on this subject when we enquired. Given the attention this topic deserves at European level, it would be worth recommending that the database should be made accessible on provisions on this topic.

Bibliography

AbvaKabo (1995): *Vrouwen verdienen meer, verslag van een verkennend onderzoek naar beloningsverschillen tussen mannen en vrouwen* (Women deserve more, report of a preliminary investigation into pay differences between men and women), Zoetermeer.

Arachne (1996): *Invloed* (Influence), 23 February 1996, Vol. 4, no. 2

Bercusson, B. and Dickens, L. (1995): *Collective Bargaining and Equal Opportunities in Europe: draft report.*

Bercusson, B. (1996): *Guidelines for Phase 2, Collection and Analysis of Equal Opportunities Agreements*, Research Group on Equal Opportunities and Collective Bargaining.

Brouns, M. and de Bruijn, J.G.M. (1996): *Functiewaardering en het beloningsverschil tussen mannen en vrouwen, in: Radar 96; stand van zaken in de wetenschap* (Job evaluation and pay differences between men and women, in Radar 96; Science Update), Aramith, Bloemendaal.

CBS (1995): *Emancipatie in cijfers 1995* (Emancipation in figures 1995), *Centraal Bureau voor Statistiek en het Ministerie van Sociale Zaken en Werkgelegenheid*, The Hague.

Dankmeyer, B.R., M. Bruyn-Hundt and K.G. Tijdens (1992): *Calamiteitenverlof en verpleegverlof, onderzoek in opdracht van de AbvaKabo*, (Compassionate leave and nursing leave, research project commissioned by the AbvaKabo), University of Amsterdam, Amsterdam.

DCA (1993): *Gemest land voor kostwinners, ongelijke behandeling van mannen en vrouwen in cao's* (Land of plenty for breadwinners, unequal treatment of men and women in CAs) *Ministerie van Sociale Zaken en Werkgelegenheid*, The Hague.

DCA (1991): *Deeltijders en hun rechtspositie* (Part-timers and their legal position), Ministerie van Sociale Zaken en Werkgelegenheid, The Hague.

DCA: (1989) *Flexibele arbeidsrelaties in cao's* (Flexible employment relationships in CAs), Ministerie van Sociale Zaken en Werkgelegenheid, The Hague.

DCA/LTD (1992) *Emancipatie in arbeidsorganisaties* (Emancipation in work organizations), Ministerie van Sociale Zaken en Werkgelegenheid, The Hague.

European Commission (1993): *Bestrijding van sexuele intimidatie op het werk, een leidraad voor de uitvoering van de gedragscode van de Europese Commissie*, (Combating Sexual Harassment at Work, a guideline for the implementation of the European Commission Code of Behaviour), Office for Official Publications of the European Communities, Luxembourg.

Eurostat (1996): Labour Force Survey, Results 1994, Luxembourg.

I-SWZ (1995): *De positie van mannen en vrouwen in het arbeidsproces* (The position of men and women in the labour process), Ministerie Sociale Zaken en Werkgelegenheid, The Hague.

Klandermans, B. and Visser, J. (1995): *De vakbeweging na de welvaartsstaat* (The trade union movement after the welfare state), Van Gorcum, Assen.

Metz, H., Oostlander, S. and Siegelaer, E. (1996): *Vrouwen op de arbeidsmarkt, een internationale vergelijking* (Women in the labour market an international comparison), Ministerie van Sociale Zaken en Werkgelegenheid, The Hague.

SCP (1993): *Sociale atlas van de vrouw, deel 2* (Social Atlas of Women, Part 2), Hooghiemstra, B.J.T., Niphuis-Nel, M., Sociaal en Cultureel Planbureau Rijswijk.

SER (1992): *Ongewenst intiem* (Unwelcome intimacy), Commissie Ontwikkeling Bedrijven van de Sociaal-Economische Raad, Company Development Committee of the Socio-Economic Council), The Hague.

Sloep, M.J. (1996): *Het primaat van een mannenbolwerk, emancipatie in cao-onderhandelingen* (The primacy of a male bastion, emancipation in CA negotiations), Emancipatieraad, The Hague.

Stolwijk, J. (1995): *CNV-onderzoek naar deeltijdafspraken in arbeidsvoorwaardenregelingen* (CNV investigation of part-time agreements in employment conditions agreements).

Spaans, J. and van der Werf, C. (1994): *Evaluatie van de Wet op het ouderschapsverlof* (Evaluations of the Parental Leave Act), Ministerie van Sociale Zaken en Werkgelegenheid, The Hague.

SZW (1995): *Om de kwaliteit van Arbeid en Zorg: investeren in verlof, nota* (For the benefit of the quality of Employment and Care: investing in leave, policy paper), Ministerie van Sociale Zaken en Werkgelegenheid The Hague.

SZW (1995): *Cao-afspraken 1994; een onderzoek naar de resultaten van de cao-onderhandelingen voor het contractjaar 1994* (1994 CA agreements; an examination of the results of CA negotiations for the contractual year 1994), Ministerie van Sociale Zaken en Werkgelegenheid, The Hague.

SZW (1994): *Cao-afspraken 1993; een onderzoek naar de resultaten van de cao-onderhandelingen voor het contractjaar 1993* (1993 CA agreements; an examination of the results of CA negotiations for the contractual year 1993), Ministerie van Sociale Zaken en Werkgelegenheid, The Hague.

ANNEXES

The employment conditions agreement for the public sector (ARAR)

Exceptional parental leave

Article 33G

1. A civil servant who after the 31st December 1988, as a parent, comes to be in a position of responsibility in respect of a child, or as shown in a certified copy of the necessary information from the register of personal details has moved to the same address as a child and has taken on the care and upbringing of that child on a permanent basis as his own child, is entitled to leave. If with regard to the entitlement to leave the conditions mentioned in the first sentence are met in respect of more than one child at the same date, the eligibility shall apply to only one of those children.
2. The leave is granted only to civil servants appointed to a post requiring a working period of 16 hours or more per week and whose employment has lasted for at least one year.
3. The leave will continue for a continuous period for a maximum of six months and will consist of at most half the working hours applicable to the civil servant per week. Eligibility for leave ceases after the date at which the child can be admitted to primary school.
4. The relevant authorities can, notwithstanding the first sentence of the third clause, permit the leave to be taken, provided that as a result the maximum number of hours leave which can be granted to a civil servant for a continuous period of six months is not exceeded and the continuous period is not longer than one year.
5. The civil servant shall retain 75% of his salary for the hours for which he has been granted leave.
6. The civil servant is required to refund the payment made for the hours' leave if during the period of leave or within one year of the end of the leave he is released on request or if not on request on the basis of facts or circumstances which are the fault of the civil servant. Severance on request through transfer within one month to another post within government service is not regarded as dismissal.

7. The civil servant shall announce his intention to take up leave in writing to the authorized body for the granting of leave at least two months before the date he requires the leave to start, listing:
 - a) the continuous period of the leave;
 - b) the number of hours' leave per week;
 - c) the spread of the hours' leave over the week.

The dates of commencement and termination of the leave can be made dependant on the date of birth, of the end of maternity leave or the beginning of the period of care.

8. The relevant authority is required to agree to a request by the civil servant not to take the leave or continue the leave due to unforeseen circumstances unless important reasons in the interest of the service are opposed to this. The relevant authority is not obliged to grant the request with effect from a date earlier than one month after the request. If leave as described in the first sentence is not continued after the date of commencement, the eligibility for the rest of the leave lapses.
9. The relevant authority can, after consulting the civil servant, change the spread of hours through the week for important reasons affecting the interest of the service and up to one month before the date given by the civil servant for the commencement of the leave.

The CA for the Employment Service

Article 3 Obligations of the employer

5. Positive discrimination

The employer rejects discrimination in appointments and will make every effort to promote equal opportunities for men and women in the labour process. Female employees will be encouraged to take part in the available training programmes both internally and externally.

Annex X

Parental leave scheme

Article 1 General conditions

1. To be eligible for parental leave under this scheme the following conditions must be met:
 - a. there must be a continuous period of employment of at least one year;
 - b. there must be one child below the age of four of whom the employee is the parent or for whom the employer has responsibility of care;
 - c. there must be a contract of employment with a minimum working week of 19 hours, with the exception of the variants for partially paid leave mentioned in Article 2, Clause 2, under a. and complete termination of the contract of employment mentioned in Article 5.
2. For application of the variants mentioned in this scheme, the number of hours provided by two or more contracts of employment entered into in parallel by the employee must not be added together to arrive at a working week of over 19 hours with the exception of the variants of partially paid leave mentioned in Article 2, Clause 2, under a. and complete termination of the contract of employment mentioned in Article 5.
3. In order to be eligible for one of the variants of this scheme, the employee must submit a request to the employer at least two months before the date of commencement of leave.

Article 2 Partially paid leave

1. The right of the employee to total parental leave corresponds to the reduction of working time to 19 hours per week for a maximum period of 6 months.
2. For a more detailed implementation of the parental leave mentioned in Clause 1 of this Article the following variants are also possible:
 - a. Complete care leave for 3 months;
 - b. 25% of working hours for one year.
3. In addition to the variants mentioned in Clause 2 of this Article, other variants of leave can be agreed between the employer and the employee provided that:
 - a. the maximum permitted number of hours of leave is not exceed;
 - b. the continuous period of leave does not extend beyond one year;
 - c. the number of hours of work during the leave remains at least 19 hours, with the exception of the variant partially paid leave mentioned in Article 2, Clause 2, under a.
4. With regard to agreeing on one of the variants mentioned in Clauses 2 and 3 of this Article, the employee must consult in advance with the employer, and the manager responsible for the leave variants must give his permission or otherwise.
5. For the hours for which parental leave is taken up, the employee will continue to receive 60% of his/her monthly income.
6. For the period of partially paid leave accrual and cancellation of vacation leave and any days off will continue in proportion to the number of hours actually worked.

During the period of complete care leave as mentioned in Clause 2a. no accrual or cancellation of vacation leave will take place, while the accrual of any non-service days is suspended.
7. In the case of complete termination of the contract of employment at the employee's own request within 6 months after the expiry of a period of partially paid parental leave, the employee is required to repay the proportion of the monthly income which continued to be paid during the period of leave (60%).
8. During the period of partially paid parental leave, state pension claims and eligibility for the sick fund of the IRZK (Interimregeling Ziektelkosten = interim scheme for medical expenses) remain unaffected.

Article 3 Temporary partial termination of the contract of employment

1. In order to care for a child the employee has the right to terminate the contract of employment originally concluded with her/him for a portion of the working hours for a maximum period of two years. In this the employee has the opportunity of reducing the period of the number of hours worked to a minimum of 24 hours per week.
2. After the period of temporary partial termination of the contract of employment mentioned in Clause 1 of this Article, the employee has a right to restitution of the original number of contractually agreed working hours, in the original job.
3. The restitution of the contract of employment mentioned in Clause 2 applies if at least three months before the termination of the temporary partial reduction in working hours in the contract of employment there is a discussion between employer and employee in which the restitution of the original contract of employment is used as a starting point.
4. The employee may make use of the variant mentioned in this article only once during his/her employment with the employment service.
5. To determine the maximum permitted period in which the employee can make use of this variant, the period in which the employee has already received partially paid leave must be deducted from the maximum period mentioned in Clause 1.

Article 4 Extension of temporary partial termination of the contract of employment

1. Following on from the period given in the previous Article for partial temporary termination of the contract of employment, the employee has a one-off opportunity of extending this period by a maximum of two years.
2. The extension mentioned in Clause 1 of this Article, can only be applied with the permission of the employer.
The employer will give his reasons if the request is refused.
3. If agreement is reached between the employer and employee on the period of extension mentioned in this Article, clauses 2, 3 and 4 of Article 3 are correspondingly applicable.

The CA for AVEBE

Article 2

4. Parties to this CA reject discrimination in employment and declare themselves prepared to make every effort to promote equal chances for men and women in the labour process. Female employees will be encouraged to take part in the available training programmes both internally and externally. In the periodic consultation between the partners to the CA the progress in creating of equal opportunities will be discussed.

Article 7

3. Unwelcome intimacies

- a. The parties recognize the right of every employee to respect of their personal space and the inviolability of their person. In their behaviour towards to each other both the employer and the employee and employees themselves must respect this right and act in accordance with the general rules of morality and decency.

The parties regard sexual harassment as unacceptable and agree to take effective measures in terms of the work organization and to combat sexual harassment where it occurs. The parties to this CA each agree independently in the appropriate way and using appropriate means to contribute actively to the prevention and combating of sexual harassment in the work place.

The employer may be expected within reasonable limits to arrange the work organization and working environment in such a way that sexual harassment is prevented in the work organization.

By entering into this agreement the employer is obliged to pursue a coherent policy which prevents and combats sexual harassment in the work organization. A coherent policy contains the following components:

- the development and implementation of preventive policy;
- the development and implementation of a complaints procedure.

- b. An employee who is exposed to unwelcome intimacies can appeal to the mediator.
- c. The employee can, either in consultation with the mediator or not, submit a complaint to the complaints committee. The complaints committee gives an annual survey of the total number of complaints submitted in that year to the central works council.
- d. The confidentiality of complaints submitted is guaranteed.

4. Balanced distribution of jobs

In order to promote a balanced distribution of jobs between men and women the employer will make every effort to improve the position of women quantitatively and qualitatively within the company.

In the context of the pursuit of this policy the following aspects will receive particular attention:

- preferential treatment in filling vacancies where there is equal suitability;
- the removal of existing prejudices;
- the stimulation of participation by women in (job related) training programmes;
- allowing part-time work;
- offering re-entry opportunities.

The CA for AT&T Networks

Annex D

The position of women in the company

With regard to the position of women in the company, company policy aims to:

- promote the pro-female character of the company in house rules, rules of behaviour, brochures, etc;
- take measures which promote the upward mobility of female staff into senior positions;
- make the applications procedure pro-female;
- approach the labour market more specifically;
- create specific facilities.

With regard to these specific facilities the following agreements have been made between the parties:

Child care

Child care is basically the responsibility of parents and government. From a pragmatic point of view the parties acknowledge that there must be a provision for child care.

Therefore, for the period of this CA a number of places for children up to the age of four will be bought at day nurseries or with childminders with professional supervision, subsidized by the municipal authorities and approved by the Werkgemeenschap Kinderopvang Nederland (Netherlands Child Care Co-operative).

The criteria and conditions under which staff (women and single men) can take advantage of this benefit are determined by the company.

The company will for the time being bear the costs for part-time workers on a proportional basis. The member of staff concerned will contribute in accordance with the applicable WVC table.

This principle can be revised if government measures give any reason for this.

During the validity of this CA the company will present the results of this experimental scheme to the organization.

Pregnancy and maternity leave

The company will give female staff the opportunity of making flexible use of pregnancy and maternity leave by transferring part of the pregnancy leave to the maternity leave.

The female employee will determine the date of commencement of the pregnancy leave with the management of the department and the personnel department at least 10 weeks before the anticipated date of delivery.

Pregnancy leave will be set at a minimum of four or a maximum of six weeks. The maternity leave is 16 weeks minus the agreed pregnancy leave.

If the female employee becomes unfit for work before the agreed date of commencement and also before the period of six weeks before the estimated date of delivery, the pregnancy leave will commence six weeks before the estimated date of delivery.

If the female employee becomes unfit for work before the agreed date of commencement but within a period of six weeks before the supposed date of delivery, the pregnancy leave will commence at that moment.

In the case of a premature delivery the maternity leave will be extended by the part of the planned pregnancy leave which has not been taken up. In the event of late delivery the extra pregnancy leave will not be deducted from the planned maternity leave.

Preference for re-enterers

The company will make every effort to be an attractive employer for re-entering men and women through the encouragement of part-time work and by measures in the field of parental leave and child care. Those for whom family circumstances were the reason for resignation can, if they are contemplating a return, be given an orientation interview at local level for a (new) job if desired.

The CA for Centraal Beheer

Article 15 Parental leave

For the first four years of life of each (adopted) child of his/her own, an employee is entitled to a period of a maximum of six months' parental leave. In that period the hours worked can be reduced to a minimum of 20 hours per week. Detailed agreement of working hours will be worked out in consultation. Half the hours' leave taken will be paid by the employer, the other half is unpaid. For the purposes of accruing pension rights the parental leave will count as full working time. The pension base will therefore not be modified. The accrual of vacation rights will be based on the number of hours actually worked.

* Twins, etc. will be regarded as a single child in relation to this scheme.

Article 35 Measures to promote participation in the labour market

General

Centraal Beheer endorses the importance of as large a participation as possible in the labour market. Not only are there too few jobs. It is also clear that for some people entry into the labour market, as a result of a disadvantaged position, is not possible without particular attention being paid to them.

By people in a disadvantaged position we think of "re-entering" women, those with a partial disability, the long-term unemployed (including those with high educational qualifications) and immigrants.

Centraal Beheer intends to take measures to promote employment by giving extra attention to people in a disadvantaged situation, both through the normal staffing procedures, and through temporary measures such as training, work experience and placement projects. To this end there will be consultation with the Regional Executive of the Employment Service (RBA).

Centraal Beheer endorses the declaration of the Labour Foundation on equal treatment in the labour market and the recommendations on discrimination in a labour market and equal opportunities.

Normal recruitment

Re-entering former employees can participate in the internal applications procedure. After the internal vacancy filling procedure for present or ex-employees of Centraal Beheer, those in a disadvantaged situation, if they meet the job requirements set or can meet them within a reasonable time, will be eligible for existing vacancies during the normal recruitment process. In the event of recruitment these people will be expressly invited to apply. All vacancies will also be registered with the Job Centres/GMD (Gemeenschappelijke Medische Dienst = Community Medical Service)/Regional Rehabilitation Centres, who will propose candidates from their knowledge of policy of Centraal Beheer. Centraal Beheer will try as far as possible to make working conditions suitable for the above-mentioned persons and to offer appropriate training. In consultation with RBA/GMD it will determine which categories have the greatest priority.

Centraal Beheer will ensure through information and training that the above-mentioned policy is carried out by all ranks in the company.

To support the above a working party with equal representation will produce by 1 September 1995 concrete recommendations on normal recruitment of immigrants. In September 1995 there will be further discussion of this between the parties.

Work experience places additional to budget

Besides normal staffing, Centraal Beheer will also make efforts in this CA period to increase the chances of the individuals in question on the labour market. It will do this by making 15 work experience places available to immigrants in jobs which are additional to budget, and singled out by the CPD, and not specially created jobs.

This should be realized by 1 April 1996 at the latest.

The CA for the contract catering sector

CHAPTER X

Positive discrimination

Article X, 1

Anti-discrimination

1. While taking objective job requirements into account, the parties reject discrimination in employment on the grounds of factors such as age, sex, sexual orientation, marital status, form of cohabitation, philosophical or religious conviction, colour of skin, race or ethnic origin, nationality and political preference and declare that they wish to promote equal opportunities for men and women in the labour process.

In that context the parties will strive toward more far-reaching measures with regard to recruitment and selection, training and career guidance.

2. With regard to complaints relating to discrimination as mentioned in Clause 1 of this Article, or as explained in more detail in the "Code of Behaviour for anti-racial discrimination in the hotel and catering industry" of the Dutch board for the hotel and catering industry, the professional council of the contract catering branch in accordance with Article 23 of the previously mentioned Code of Behaviour will deal with the processing of complaints and pronounce on them.

The Code of Behaviour on anti-discrimination is available on request from the professional council for the contract catering branch.

ARTICLE X, 2

Prevention of unwelcome intimacies

1. The parties recognize the right of every employee to respect for their personal space and for the inviolability of their body. In their behaviour towards each other both the employer and the employees and employees between themselves must respect this right and act in accordance with the general rules of morality and decency.

In this context remarks or behaviour of a sexual nature or with a sexual undertone, which are a nuisance to the other party or are humiliating or troublesome to the other party will not be permitted within working relationships and can result in sanctions against anyone found guilty of them.

2. In this connection the following complaints procedure applies.
 - a. The employer will appoint a mediator with the permission of the works council or the representative of the personnel department. This person may be a member of the works council or the personnel department.

The task of the mediator is to get information, to support and to act as intermediary in the case of complaints by employees on unwelcome forms of behaviour.

ARTICLE X, 4

Child care and child minding

1. Care for children aged up to 12 of employees within the meaning of the CA can be requested from the employer by the employee. The contribution required to be paid by the employee in respect of child care is based on the parental contributions table established by the Ministry of Health, Welfare and Sport.

For the rest, the cost will be borne by the FBA (Fonds Berondering Arbeidsverhoudingen = Fund for the improvement of industrial relations).

This arrangement applies to care with childminders and in day nurseries but in the latter case the maximum financial support from the FBA will be support for childminding.

2. With regard to the assignment of child care places, an annual available budget will be established by the professional council executive for each company. Employees can obtain a contribution from this budget. This contribution is granted in order of entry until the total budget for each company is exhausted.

If the child care fund is exhausted, no FBA contributions for child care will be possible.

3. There is a regulation on child care. This regulation is obtainable on request from the professional council for the contract catering sector.

ARTICLE X, 5

Compassionate leave

Compassionate leave applies in the event of the illness of the child, partner or companion of the employee or of another person in need of care for whom the employee has actual responsibility. With regard to compassionate leave the following applies:

The employee will be granted exceptional leave without pay in the event of the illness of a child for whom the employee has actual responsibility or the illness of the partner or companion of the employee or other person in need of care for whom the employee has actual responsibility. Other unforeseen calamities connected with care responsibilities are also covered by this arrangement.

The duration of the leave will be established in consultation between the employer and employee. The duration will need to be sufficient to provide initial emergency help and to make preparations for more long-term solutions and may not total more than ten days per year.

In addition the employee is also entitled to leave (without pay) for a period of a maximum of one month per year for the care responsibilities mentioned in Clause 1. The premiums for the company pension fund for the hotel and catering industry will be deducted by the employer during this period as though the employee were working normally in the company.

The CA for the daily newspaper industry

Protocol provisions

1. Discrimination on grounds of religion, colour, ideological conviction, political opinion, ethnic origin, sex, sexual orientation, nationality, marital status and or form of cohabitation or other grounds is not permitted.

These principles apply to recruitment and selection, appointment or dismissal of staff and to all conditions of employment irrespective of whether it concerns a contract of employment or another agreement for carrying out work.

The parties to the CA undertake to work towards the development of a policy which offers everyone equal opportunities in the labour process.

P15 Unwelcome intimacies

1. The parties to this CA regard unwelcome intimacies as unacceptable and agree to take effective measures to prevent unwelcome intimacies within the work organization and, where it occurs, to combat it through existing company legal procedures. It may be expected that the employer will, within reason, organize work and the working environment in such a way that unwelcome intimacies are avoided. In addition it is obliged to take measures in consultation with the staff/works council which enable careful treatment of complaints of unwelcome intimacies within the company. A good measure in this context may be the appointment of a mediator who has the trust of the staff. In view of the nature of the problem and the fact that it is mostly women who are the victims of unwelcome intimacies, it is preferable, if a mediator is appointed, that a woman should be selected.

Unwelcome intimacies are involved when:

- a male or female employee through the improper use of authority to which the person involved is subject because of his/her contract of employment, is forced expressly against his/her will to undergo sexual acts;

and/or

- is confronted in the work situation with words or actions of a sexual nature which the person involved makes clear and which the perpetrator must reasonably understand the person involved finds undesirable.

2. The central committee is authorized to deal with complaints regarding unwelcome intimacies.

The central committee can, if required, call in the aid of experts, examples of whom may be a doctor or social worker.

P 3
Non-
discrimination

The CA for the Joint Administration Office

Measures to promote exit from full-time employment

3. Promotion of part-time work

As far as the organization allows, to adopt a flexible approach to requests for part-time work and, where possible, effectively to encourage this. Extra scope can be created at the moment where this is necessary and possible.

Participation of women in the labour process

1. The employer will ensure there is an active policy aimed at promoting equal opportunities for men and women regarding participation in the labour process within the organization.
2. Partly with a view to developments in the labour market, the policy will also be aimed at removing obstacles where possible to women taking part in the labour process. Attention will be paid among other things to:
 - explicit invitations to women to apply for senior positions or for management posts when vacancies arise;
 - as part of recruitment and selection, providing adequate information to management and personnel officers with a view to improving the position of women in the organization;
 - from that same point of view to conduct a policy aimed at encouraging women to make use of opportunities for training and education, career policy and management development;
 - in re-organization and restructuring to prevent consequences which have particularly adverse effects on the participation of women in the labour process where possible.
3. With effect from 1 July 1991 an arrangement is to be made by the employer for each division for child care. This provision meets or shortly after 1 July 1991 will meet the following basic requirements at least:
 - child care is understood to mean pre-school care for children up to four years old;
 - the provision is open to women and also to men with family responsibilities;
 - the provision will relate exclusively to child care which is provided by a recognized institution;
 - the costs incurred in the provision of the facility by the employer, exclusive of subsidies, will not be an obstacle to the employer, provided they do not exceed 0.2% of the gross salary bill.

This arrangement will be implemented for each division and will run until 30 June 1994.

4. The trade union organization will be informed annually on the manner in which and the extent to which these procedures have been realized for each division.

Promotion of re-entry

1. Employees who stop working due to the birth or adoption of a child, may, when they leave employment, ask the employer to be considered within four years for a post within the division.
2. Participation in the scheme is assessed by the employer on the basis of a number of criteria including:
 - relevant experience;
 - the performance of the person concerned;
 - willingness of the employee to keep their knowledge and skills up to standard.
3. In certain cases the employer may provide study facilities. On the other hand the employee must be in principle prepared to commit him/herself to study and in principle be prepared in the interim to carry out temporary work within the division. The precise implementation of this will be agreed through mutual consultation between employee and employer. The main aim of carrying out of temporary work is keeping knowledge and skills up to standard and providing real contact with the organization.
4. Contact with the organization is also maintained in the interim by sending out the organizational newsletter, annual report, etc.
5. Re-entry is possible:
 - if a suitable job is available;
 - with preference over other external candidates;
 - after a normal recruitment procedure, as with their first employment.
6. Agreements between the employer and employee will be laid down in writing.
7. For each division the details will be worked out separately. In the periodical consultation, information will be provided to the trade union organizations by each division on the details of the implementation.

NOTES ON THE CA FOR THE JOINT ADMINISTRATION OFFICE

3. Part-time Work (II Protocol on Social Policy and Employment)

In accordance with the recommendations of the Foundation for Labour, the opportunities for part-time work have been extended. As a one-off incentive a bonus of 50% of the gross loss of income is offered for full-time staff who wish to work 20% less. With a view to the overall employment situation this incentive will apply solely to full-time permanent staff. The details will be in accordance with the arrangements to be made within the framework of the Social Plan.

0.25% of the total wage bill is available in order to finance this one-off incentive. Subsequently, ie from 1 September 1995 onwards, this amount will be set aside to finance early retirement.

The costs are 0.25% of the total wage bill. From 1 September 1995 onwards this 0.25% will be set aside as the employer's contribution to finance early retirement; see also heading 5.

The CA for the printing industry (administrative and technical)

(1) Discrimination on the grounds of religion, ideological conviction, political preference, ethnic origin, sex, sexual orientation, nationality, marital status and/or form of cohabitation or other grounds is not permitted.

These principles apply to recruitment and selection, appointment and dismissal of staff and to all conditions of employment irrespective of whether there is a contract of employment or another agreement on carrying out work. The parties to the CA undertake to work towards the development of a policy which offers equal opportunities to everyone within the labour process.

By ethnic minority we understand:

the social category which is not (originally) from the Netherlands and the members of which judged by objective standards are in a disadvantaged position. Under this definition fall such categories as Moluccans, Surinamese, Antilians, Turks, Moroccans, Tunisians, refugees, gypsies and caravan dwellers. In determining who belongs to an ethnic minority account must be taken of the provisions of the Personal Registration Act.

(2) The parties undertake to formulate tasks for members of ethnic minorities and to implement them in the short-term and in the long-term, aiming to achieve a proportionate participation in the labour process and a proportionate spread across all jobs.

(1) The parties to this CA regard unwelcome intimacies as unacceptable and agree to take effective measures to prevent unwelcome intimacies in the work organization and where necessary to combat them via existing legal procedures. The employer is expected within reason to organize the work and working environment in such a way that unwelcome intimacies are prevented. In addition he undertakes to take measures in consultation with the staff/the works council, which make it possible for complaints about unwelcome intimacies to be dealt with carefully. A good measure to this end might be the appointment of a mediator who has the confidence of the staff. Given the nature of the problem and the fact that it is mostly women who are the victims of unwelcome intimacies, it is preferable that, where a mediator is appointed, a woman should be chosen.

Unwelcome intimacies occur when:

- a male or female employee is forced against his/her will to undergo sexual acts through improper use of the authority to which the person involved is subject by virtue of his/her contract of employment:

and/or

- is confronted in the work situation with words or actions of a sexual nature which the person involved makes clear and/or the perpetrator must reasonably understand the person involved finds undesirable.

(2) The central committee is authorized to deal with complaints regarding unwelcome intimacies. In order to facilitate informal mediation a central bureau working party on unwelcome intimacies has been set up. The terms of reference, composition and working methods of this working party are as follows:

- a. The central bureau working party on unwelcome intimacies has the task of:
 - mediation in the event of complaints regarding unwelcome intimacies;
 - advising the central committee (or the company body for the small format offset industry) in the event of a complaint actually being dealt with.
- b. The central bureau working party on unwelcome intimacies is composed of:
 - one representative from the employer's side;and
 - one representative from the employees' side; these representatives should preferably be women.
- c. the central bureau working party on unwelcome intimacies can, if required, call in the help of experts, examples of whom might be a doctor or a social worker.

P 23
Non-
discrimination

P 24
Unwelcome
intimacies

The CA for the building materials trade

Article 3

General obligations

12. Both the employer and the employee undertake to work towards a policy which offers equal opportunities to everyone in the labour process, irrespective of sex, sexual orientation, marital status, religion, colour of skin, race or ethnic origin, nationality or political preference.

Article 5

Social policy in the company and quality of work

7. The employer states his willingness to pursue a policy which combats unwelcome intimacies in the working organization.
8. Employees who discontinue their employment because of pregnancy or parental leave and wish to re-enter within two years will during this period be given the opportunity by the employer to participate free of charge in internal training courses and work briefing sessions organized by the company for its employees.

Article 8

Labour market and recruitment policy

7. Where there is equal suitability, preference will be given to female employees in filling vacancies.

Article 9

Part-time work

1. In order to increase participation in the labour market, an attempt will be made to bring the number of employees in the company working part-time up to 15% by 1 April 1997. By part-time work we understand a contract of employment in which a lower number of hours than the usual number of hours is agreed.
2.
 - a. Requests to transfer to part-time work will be treated positively and where possible acceded to.
 - b. No jobs will be excluded in advance from part-time work.
 - c. When vacancies arise or new jobs are created there will be a systematic evaluation of whether filling the vacancy through part-time work is possible. The introduction of part-time work must not in itself lead to a reduction in permanent staff.
 - d. There will be equal treatment of part-time and full-time staff.
 - e. In principle the request by an employee to adjust his working hours will be acceded to unless this cannot reasonably be required of the employer on the grounds of company interest. The decision will normally be made within one month.

Article 37

Child care

In order to promote the possibility of child care for children of employees working in the building materials trade, these employees may be eligible for a subsidy under conditions to be set by the Stichting Fonds Collectieve Belangen (Foundation Fund for Collective Interests).

The CA for Heineken

Article 4

POSITIVE DISCRIMINATION

The parties to this CA reject discrimination in employment and declare their intention to make every effort to promote equal opportunities for men and women in the labour process.

In this connection a recruitment policy aimed at women will be pursued and extra attention will be given to the training of women. The upward mobility of women to senior positions will be promoted through the expansion of responsibilities, training, education and a career promotion policy. In recruitment and selection Heineken will give preference to women where equal suitability is shown.

Heineken will within its various divisions begin a project approach to employing a number of women particularly in production and production-related jobs.

During company employment discussions the parties will evaluate efforts in the field of positive discrimination.

Article 5

CHILD CARE/PARENTAL LEAVE

- a. For a period of two years (June 1993-June 1995) Heineken will offer employees the opportunity of making use of child care. This relates to the care of children aged up to four. Female employees and single fathers employed by Heineken may participate in the scheme.
- b. With regard to parental leave we refer to Article 1638oo of the Civil Code. The text of this article is included in the CA under the section on articles from the Civil Code.

Article 6

UNWELCOME INTIMACIES

Heineken will attempt to take such measures as will prevent and combat unwelcome intimacies. In the interest of the careful treatment of complaints regarding unwelcome intimacies the employee may make use of the scheme described under the right to complaint as included in the Personnel Affairs Manual. The employee may if he/she wishes also make direct contact with a personnel officer or the head of the medical service in the division who has been appointed as the mediator there. Anyone guilty of unwelcome intimacies runs the risk of obliging Heineken to take measures in line with the provisions of Article 1639p of the Civil Code.

The CA for Youth Assistance

Parental leave

Article 38

1. An employee who as a parent has a statutory responsibility towards a child or according to declarations from the Register of Population has come to live at the same address as a child and has undertaken on a permanent basis the care and upbringing of that child as his/her own, is entitled to partially paid leave¹⁹ in accordance with the provisions of Clause 5.
2. If the employee *simultaneously* meets the requirements of Clause 1 in respect of more than one child, there is entitlement to leave only in respect of one of those children.
3. Leave is granted only to employees whose employment has continued for at least 1 year.
4. The leave extends over a continuous period of a maximum of six months and will amount to a maximum of that portion of the number of working hours per working week which exceeds 50% of full-time work. There is no right to leave for the period after the date on which the child can be admitted to primary school.
5. 25% of full salary will be paid for the hours' leave taken.
6. The employee will notify his/her intention to take leave at least three months before the desired date of commencement of the leave in writing to the employer including details of:
 - a. the continuous period of leave;
 - b. the number of hours' leave per week;
 - c. the spread of hours' leave over the week.

The dates of commencement and termination of the leave may be made dependent on the date of birth, of the end of the maternity leave or of the beginning of care.

7. The employer is obliged to accede to a request by the employee not to take the leave or not to continue the leave due to unforeseen circumstances, unless important interests of the institution are opposed to this. The employer is not required to grant the request with effect from a date earlier than one month after the request.

¹⁹ As of 1 July 1991.

8. If the employee interrupts his leave in the interim he cannot continue it later. If the leave is relinquished before its commencement, due to an unforeseen circumstance as defined in Clause 7, the right to leave will be retained.
9. In the case of illness during parental leave no suspension of the leave will take place.
10. Using the financial resources released through the parental leave of the employee concerned, the employer will ensure as far as possible the replacement of the employee concerned during the period of leave.

The CA for Koninklijke Sphinx

Women

In the context of equal opportunities for men and women Sphinx will direct the agreed training measures for all employees in the labour process particularly at those positions which can equally be occupied by women, also those joining from outside the company.

At the same time he will also, through a specific programme, encourage women in employment to move upwards to other jobs and will support this through training programmes and career guidance activities.

Sphinx will produce an annual report of the results achieved.

Article 21A CHILD CARE AND PARENTAL LEAVE

1. All employees are entitled to make use of the child-care scheme implemented by the employer.

This scheme is included in the staff information guide. In order to finance the scheme the employer will make 0.2% of the total wage bill available.

2. Employees making use of the facilities mentioned in the context of the Parental Leave Act will not suffer any disadvantage in accruing pension provisions as a result.

Making use of the statutory opportunity will not have any disadvantageous effect on the calculation of years of service.

The CA for Netherlands Railways

The principles of the social policy are respect for one's fellow man and the "equality" of all human beings.

This is expressed in the aim of the equality of treatment irrespective of sex, orientation, age, race, colour of skin or nationality. If in a division of the company there is a specific situation of disadvantage, however, arrangements can be made which enable preferential treatment to be implemented on a temporary basis.

7. Social arrangements

7.1.1 Special arrangements

7.1.2 The treatment of complaints regarding sexual harassment

The treatment of complaints by an employee regarding unwelcome intimacies will be carried out in accordance with the provisions of the treatment of complaints scheme which refer to sexual harassment (Annex 7).

7.1.3 Child care

The Netherlands Railways social unit will finance the costs of 250 full-time child care places for employees of the social unit in 1996 and 1997. In this context account is taken of the parental contribution and any government subsidy.

The Netherlands Railways social unit pays its share of the total overhead costs of SOKS (Stichting Stad- en Ontwikkelingsfonds Kinderopvang Spoorwegpersoneel = City and development fund for child care for railway staff) in proportion to the full-time child care places of the SOKS Foundation.

The CA for public libraries

Positive discrimination

Article 43

1. The parties to this CA reject discrimination in employment and declare themselves willing to make every possible effort to promote equal opportunities for men and women and members of ethnic minorities in the labour process.
2. In order to achieve this aim employers will in consultation with the works council promote the implementation of more detailed provisions regarding recruitment and selection, training and career guidance.
3. If it has been shown that women and members of ethnic minorities are under-represented in certain jobs or groups of jobs, the employers will encourage preference being given to them in recruitment and selection when vacancies occur if they meet the requirements for the job in question.
4. In order to increase the upward mobility of women and members of ethnic minorities the employers will actively promote the participation of female employees and members of ethnic minorities in training schemes.
5. In order to combat the exodus of women and members of ethnic minorities facilities will be provided by the employers to promote the combination of paid labour with care responsibilities.

Parental leave

Article 44

Notwithstanding and in addition to the provisions of Article 1638oo of the Civil Code the minimum number of 10 hours will apply to any employee wishing to make use of the right to parental leave in respect of the number of hours worked or the number of hours worked which must remain after the parental leave has been taken.

Child care

Article 45

1. The employer will promote the availability of child care for all employees who wish it.
2. In the context of the provisions of Clause 1 the employer, in consultation with the works council or the representatives of the employees, will make an inventory of whether child care facilities can be made available to employees and if so to what extent, for example:
 - the creation of a day-care centre linked to the public library;
 - buying places at an outside day nursery.

The CA for Sigma Coatings

J. Equal opportunities

The parties to this collective agreement reject discrimination in employment and declare themselves willing to make every effort to promote equal opportunities for men and women in the labour process, in particular in the case of internal vacancies. Female employees will henceforth be encouraged to participate in training opportunities, both internal and external, which will also apply to male employees.

In the discussions between the partners to the CA the progress of the creation of equal opportunities will be discussed periodically.

ANNEX VI attached to the CA of Sigma Coatings B.V.

UNWELCOME INTIMACIES

Unwelcome intimacies may be described as unwelcome, sexually-coloured attention, expressed in verbal, physical or other non-verbal behaviour, which intentionally or otherwise, may lead to the creation of a (very) unpleasant working atmosphere.

The employer is aware of its responsibility with regard to the prevention and combating of unwelcome intimacies in the workplace. The board of management will expressly and repeatedly make known its view that it finds such intimacies completely intolerable.

The employer will pursue a policy aimed at the prevention of unwelcome intimacies.

During the term of the contract the employer will appoint a female member of staff as "mediator", with the following responsibilities:

- to support and advise any complainant;
- to investigate the possibilities of a solution to the problem;
- to refer the complainant to bodies who can deal with the problem; the direct manager, company medical service, personnel department, trade unions etc. During the procedures with these bodies the mediator may continue her support;
- to advise, on request or otherwise, on preventive measures.

The employees should refrain from behaviour in respect of colleagues which the latter clearly find, and/or the perpetrator should reasonably understand the person concerned regards as unwelcome intimacy.

The CA for home care

Sexual or other forms of harassment

Article 55

1. The employer is obliged to take measures to protect as far as possible the physical and mental integrity of employees, so that sexual and other forms of harassment can be prevented.
2. a. If an employee is confronted with at a client's home with sexual or other forms of harassment:
 - he/she has the right immediately to interrupt work with the client concerned without it being a valid reason for dismissal in the terms of Article 1639P of the Civil Code;
 - he/she should also report the incident immediately to the employer or person appointed by the employer.
- b. If the employee has reported a case of sexual or other forms of harassment to the employer or to a person appointed by the employer, the employer will institute an inquiry and take such measures as to prevent repetition.
- c. An employee who has reported a case of sexual or other types of harassment has the right to refuse to be placed with the client concerned again.

Positive discrimination

Article 59

1. The parties to this CA declare themselves willing to make every effort to promote equal opportunities for men and women and ethnic minorities in the labour process.
2. In order to achieve this end employees will promote in consultation with the works council the implementation of more detailed provisions relating to the groups listed in Clause 1 with regard to recruitment and selection, training and career guidance, for example:
 - a preferential policy in recruitment and selection if it has been shown that there is under-representation in certain jobs, in relation to the composition of the workforce in the area of operations of the institution and if there is equal suitability with regard to filling the vacancy;
 - an active training policy in order to improve the upward mobility towards higher posts;
 - facilities regarding the combination of paid labour and care responsibilities, in order to combat the exodus of the groups of employees mentioned in Clause 1.

The CA for home nursing (1992-1993) (now included in the CA for home care)

Protocol referring to an investigation of job evaluation methods

The parties to this CA on Home Nursing note that there has been criticism of the system of job evaluation which underlies the salary structures in this sector. The criticisms include the fact that functions which were historically or are principally carried out by women are assessed lower than other functions. This includes in particular the caring and nursing functions. The parties consider this situation undesirable, particularly in view of harmonious creation of a CA on Home Care.

The parties have therefore decided to institute an investigation into the evaluation of these functions. The aim is to conclude this investigation in December 1992.

The parties resolve to present a plan of approach within six months of the publication of the investigation report, if it is shown that the criticism is well-founded. The plan of approach consists of:

1. Adjusting the job evaluation system with regard to any imbalances noted.
2. An introductory phase and an agreement to undertake joint efforts to obtain the necessary finance.

The parties will commission a research project based on quotations received.

Furthermore the parties resolve to request OAT (Overleg Arbeids voorwaarden Thuiszorg = Consultative committee on conditions of employment in home care) to set up an advisory committee with parity of representation with regard to the research. The IMF accountants, KPMG, will also be requested to sit on the advisory committee.

The CA for Unilever

ARTICLE 1a. Obligations of the employer

2. The employer will make every effort to implement a policy aimed at achieving equal opportunities to work and equal opportunities in the labour organization for employees of equal quality, irrespective of sex, sexual orientation, marital status, ideological or religious persuasion, colour of skin, race or ethnic origin, nationality or political preference, all applied in such a way that there is no conflict with the objective requirements of the job.

PART-TIME SECTION

1. General provisions

Employees who wish to work part-time may inform the employer of this wish. The employer will investigate seriously whether the request can be granted, either in the employee's own job or in another job.

The decision on the question whether the full-time employment can be changed into part-time employment depends on whether

- the job which the employee is doing can be carried out part-time (whether or not in combination with other employees), or
- whether a job is available which can be done part-time.

The employer will inform the employee of his decision in writing with reasons. In the case of a negative decision the employee may in accordance with the provisions of the complaints scheme resort to the complaints body.

ONE-OFF PREMIUM FOR PART-TIME WORK SCHEME

1. Any employee who in the period from 1 March 1994 to 29 February 1996, provided this is organizationally feasible, in the context of the redistribution of work, transfers to a lower number of hours than the number of hours in force for employees on 1 March 1994, will receive a one-off premium.²⁰
2. This premium amounts to 1% of the annual salary for each hour less that the employee decides to work.
3. This scheme does not apply to reduction of working hours as a result of Article 8 Unilever Working Conditions Regulations.

²⁰ This scheme is applied in those cases in which the reduction in the number of hours worked by an employee results in redistribution of work.

The CA for the insurance industry (internal)

Article 19A

Emancipation

1. The employer will, within the formulated social policy, pursue an active policy aimed at creating equal opportunities for men and women. In order to reduce the disadvantaged position of women in the labour market, the employer will pay particular attention to the position of women in the market and in his own company.

Particular attention will be paid to:

- a. entry, particularly to senior posts
 - b. mobility, particularly through training
 - c. exit; where this is organizationally possible an example would be the offer of part-time jobs to male and female employees who are faced with a choice between family and work.
2. Re-entry into employment, including preference when vacancies arise for a male or female employee if, after termination of employment due to the birth or adoption of a child, he/she applies for a job with the employer within four years.
 3. Provisions for terms of employment.
In relation to the existing position of disadvantage of women in the labour market, and in view of the fact that combining parenthood with paid labour has particular effects on the position of women, women employees appointed for an indefinite period will be offered two benefits, namely unpaid maternal leave and child care.

Unpaid maternity leave.²¹

In addition to the statutorily arranged parental leave, female employees will have the opportunity of taking 20 hours' unpaid maternity leave per week in combination with parental leave and following on from leave during pregnancy and any holidays due. The maximum period for the take-up of maternity leave is six months. By combining parental and maternity leave a period of completely unpaid leave is created.

²¹ Article 1637ij Civil Code forbids the making of a direct distinction between men and women. For women a scheme which in contravention of this prohibition places women in a privileged position is only permitted if the intention of the scheme is to abolish actual inequalities and the scheme is suitable for and is in reasonable relationship to the aim to be achieved. The preferential treatment should be ended once the inequality has been put right.

For certain jobs maternity leave can be excluded. The female employee taking up unpaid maternity leave has a right to return to the same job for the original number of hours after its termination. The female employee concerned continues to participate in a pension scheme and may continue to take part in staff arrangements.

When a woman takes parental leave following adoption, this may be combined with maternity leave. All other things being equal, the unpaid maternity leave scheme will then apply.

Child care/out-of-school care.²²

For the above-mentioned employees and for single men benefits are offered in the field of child care. The employer will finance child/out-of-school care for the children of the above-mentioned female employees and single men if the children are more than six weeks old but have not yet gone on to secondary education. The scheme is equally available to the above-mentioned women and single men. The employer will finance a maximum number of full-time child/out-of-school care places corresponding to 0.25% of the total gross pay bill in the company as at 31 December of the previous calendar year (namely 12 full-time monthly salaries plus vacation bonus plus - as far as applicable - annual allowance on the basis of Article 13).

Care will be provided by recognized day nurseries and institutions for out-of-school care which meet the quality standards of the Netherlands Institute for Care and Welfare (Nederlands Instituut voor Zorg en Welzijn) and of any applicable municipal ordinances.

The employee undertakes as far as possible to assist the employer to gain a subsidy for the provision of the facility from (local) government on the basis of the sums mentioned in the appropriate regulations, such as the child care tax incentive scheme. Where the employee despite his best efforts does not succeed in finding a provision as described above, the employer will where possible help in finding a place.

²² Article 1637ij Civil Code forbids the making of a direct distinction between men and women. For women a scheme which in contravention of this prohibition places women in a privileged position is only permitted if the intention of the scheme is to abolish actual inequalities and the scheme is suitable for and is in reasonable relationship to the aim to be achieved. The preferential treatment should be ended once the inequality has been put right.

The employer will pay the cost of child places while observing the provisions of this Article on the understanding that the employee making use of the scheme will have to pay a monthly parental contribution dependant on the net family income in accordance with the VWS table of the government contributions to day nurseries.

Of preference the collection of the parental contribution should be made not by the employer but by the child care institution.

4. Combating unwelcome intimacies.
The companies will pursue a policy aimed at combating unwelcome intimacies, as will be further detailed in the company; companies are referred to the commentary of the socio-economic council of 13 April 1984.

The CA for the insurance industry (external)

ARTICLE 15A

Emancipation

1. The employer will, within the formulated social policy, pursue an active policy aimed at creating equal opportunities for men and women. In order to reduce the disadvantaged position of women in the labour market, the employer will pay particular attention to the position of women in the market and in his own company.

Particular attention will be paid to:

- a. entry, particularly to senior posts
 - b. mobility, particularly through training
 - c. exit; where this is organizationally possible an example would be the offer of part-time jobs to male and female employees who are faced with a choice between family and work.
2. Re-entry into employment, including preference when vacancies arise for a male or female employee if, after termination of employment due to the birth or adoption of a child, he/she applies for a job with the employer within four years.
 3. Provisions for terms of employment.
In relation to the existing position of disadvantage of women in the labour market, and in view of the fact that combining parenthood with paid labour has particular effects on the position of women, women employees appointed for an indefinite period will be offered two benefits, namely unpaid maternal leave and child care.

Unpaid maternal leave.²³

In addition to the statutorily arranged parental leave, female employees will have the opportunity of taking 20 hours' unpaid maternity leave per week in combination with parental leave and following on from leave during pregnancy and any holidays due. The maximum period for the take-up of maternity leave is six months. By combining parental and maternity leave a period of completely unpaid leave is created.

For certain jobs maternity leave can be excluded. The female employee taking up unpaid maternity leave has a right to return to the same job for the original number of hours after its termination. The female employee concerned continues to participate in a pension scheme and may continue to take part in staff arrangements.

²³ Article 1637ij, Civil Code forbids the making of a direct distinction between men and women. For women a scheme which in contravention of this prohibition places women in a privileged position is only permitted if the intention of the scheme is to abolish actual inequalities and the scheme is suitable for and is in reasonable relationship to the aim to be achieved. The preferential treatment should be ended once the inequality has been put right.

When a woman takes parental leave following adoption, this may be combined with maternity leave. All other things being equal, the unpaid maternity leave scheme will then apply.

The CA for hospital staff

Protocol attached to the CA for hospital staff 1992/1994 and an integral part of it, relating to a plan of approach to testing, updating and making more dynamic the FWG system (FWG = Functiewaardering in gezondheidszorg = Job evaluation in health care).

Note: In the context of the 1994/1996 CA supplementary agreements have been made (p. 4 CA).

The parties to the CA for hospital staff 1992/1994:

1. Employers' association:

Nederlandse Zorgfederatie (Netherlands Care Federation)

II. Trade unions, namely:

- AbvaKabo
- CFO
- FHZ

hereinafter to be called the parties to the CA.

Note: as of 1 April 1994 NU '91 will also be included in this.

Note that:

- In (internal) health care there is at the moment a very strong forward impetus which might affect or is already affecting the (content of) existing jobs and/or might result in the creation of new jobs, which it can be expected will continue (to a greater degree).
- From society at large comments have been made by various interested parties on the positioning of certain groups of jobs as a result of the application of the FWG method.
- From the side of the trade unions the question has been raised whether there might be a possible discrimination in the FWG method.

The parties to the CA therefore agree:

A. To commission a study which gives the parties the opportunity to test the hierarchy created by the application of the FWG method against policy positions and considerations.

* Approach:

The testing of:

- the evaluation of care aspects;
- the evaluation of management tasks;
- possible elements of sexual discrimination;

with attention being paid to the (cor)relation with other job evaluation systems.

* Planning

The parties to the CA attach great value to high-quality research, but also believe that a rapid conclusion is important.

The objective is the submission of a report at the end of 1993 so that the final report can be discussed before the CA negotiations of 1994, which will involve the possible use of earmarked funds as from 1 January 1994. If and to the extent that the results of the research imply a need to exceed the earmarked funds, this will be a topic of discussion in the CA negotiations of 1994.

There will be periodic reports within the SOZ (Sociaal Overleg Ziekenhuiswesen = Social Consultative Committee for Hospital Staff) to the parties to the CA on the progress of the research.

In the SOZ of October 1992 a first outline of the approach will be presented to the parties of the CA, part of which will be a more precise definition of the 3 test aspects mentioned.

B. To commission the editorial testing of the definitions, explanations and references included in the FWG method with the aim of increasing their recognizability and hence applicability, which may lead to proposals to the parties to the CA for updating.

* Approach

The editorial testing of the FWG method against the functions present existing in the internal health care, methods and concepts.

* Planning

The parties to the CA attach great value to high-quality research but also believe that a rapid conclusion is important. There will be an attempt to submit results by the end of 1993 in order to be able to discuss the final reports during the contract period 1992-1994.

There will also be periodical reports within the SOZ to the parties to the CA on the progress of the research.

Note: Project sections A and B have been concluded; the results were noted during the consultations for the 1994/1996 CA.

The CA for medical insurers

PROTOCOL ON SOCIAL POLICY

Article 2

GENERAL

1. The policy of the employer is aimed at offering employees equal opportunities in the labour organization irrespective of sex, sexual orientation, race or ethnic origin, nationality, political preference, ideological or religious persuasion and/or marital status.
2. In the case of vacancies for jobs in which women are under-represented, the parties to the CA recommend that preference should be given to women if and to the extent that they meet the requirements for the job in question.

Article 5

FRAMEWORK ARRANGEMENT ON CHILD CARE

1. The employer will finance child care for the employees during working hours. In accordance with agreements made between the parties to the CA, the employer will make available for this purpose an annual sum equal to 0.4% of the wage bill.
2. In this scheme child care is taken to mean the pre-school and out-of-school care for children up to primary school age.
3. The care will be provided by recognized day nurseries which meet the quality standards of the Netherlands Institute for the Care and Welfare and any applicable municipal ordinances.

Wherever possible use will be made of subsidized child places.

4. Where the employee, despite his efforts, does not succeed in finding facilities such as described above, and where child places can be bought, the employer will where possible help in finding a solution.

5. The employer will pay the cost of child places while observing the provisions of Clause 1 and on the understanding that the employees making use of the scheme will have a parental contribution deducted from their wages monthly in accordance with the table of the state contribution scheme for day nurseries of the Ministry of Health, Welfare and Sport, depending on the net family income.

By preference the collection of the parental contribution should be made not by the employer but by the child care institution.

6. If there is another parent or carer of the child for whom use is made of this scheme, and this parent/carer can also make use of a child care scheme of his/her employer, the costs of the employer will be shared between the two employers.