

Equal Opportunities and Collective Bargaining in Europe



3. Innovative Agreements: An Analysis



EUROPEAN FOUNDATION
for the Improvement of Living and Working Conditions

Equal Opportunities and Collective Bargaining in Europe
*3. Innovative Agreements:
An Analysis*

The European Foundation for the Improvement of Living and Working Conditions is an autonomous body of the European Union, created to assist the formulation of future policy on social and work-related matters. Further information can be found at the Foundation web site: <http://www.eurofound.ie/>

Brian Bercusson is Professor of Law at the University of Manchester, United Kingdom. Professor Bercusson has published books, articles and reports on European labour law and industrial relations.

Anni Weiler holds a PhD in Social Sciences from the University of Goettingen, Germany. Dr Weiler is an expert on collective bargaining and on European industrial relations. She has also published in the area of gender studies.

Equal Opportunities and Collective Bargaining in Europe

3. Innovative Agreements: An Analysis

Professor Brian Bercusson

Dr Anni Weiler



EUROPEAN FOUNDATION
for the Improvement of Living and Working Conditions

Cataloguing data can be found at the end of this publication

Luxembourg: Office for Official Publications of the European Communities, 1998

ISBN 92-828-5068-4

© European Foundation for the Improvement of Living and Working Conditions, 1998

For rights of translation or reproduction, applications should be made to the Director, European Foundation for the Improvement of Living and Working Conditions, Wyattville Road, Loughlinstown, Co. Dublin, Ireland.

Printed in Ireland

The paper used in this publication is chlorine free and comes from managed forests in Northern Europe.
For every tree felled, at least one new tree is planted.




Foreword

The European Foundation for the Improvement of Living and Working Conditions, in close cooperation with the European Commission (DG V), took the initiative in 1994 to start a substantial project on Equal Opportunities and Collective Bargaining. The project has provided a framework report (*1. Defining the Issues*) and a consolidated report on the overall situation and bargaining structure in the Member States (*2. Exploring the Situation*).

This second consolidated report (*3. Innovative Agreements: An Analysis*) provides an overview of the most innovative agreements from each of the 15 EU Member States regarding equal opportunities and collective bargaining. It is based on national reports drawn up by the network of national correspondents and follows the guidelines set up in the framework report *Defining the Issues*.

The third consolidated report (*4. Illuminating the Process*) provides a more in-depth analysis of the whole bargaining process. An agreement in each of the Member States is analysed, aiming at the identification of crucial factors which may lead to good agreements. Special attention is paid to internal characteristics of the social partner organizations, such as women's participation in decision-making, as possible factors in the realization of successful agreements.

There are also national reports available from the three stages of the project.

We expect that this report will enhance knowledge and understanding of the complex area of equal opportunities and collective bargaining.

Clive Purkiss
Director
European Foundation for the
Improvement of Living and Working Conditions

Odile Quintin
Acting Deputy Director-General
Directorate General V - Employment,
Industrial Relations and Social Affairs



Acknowledgements

The first part of this report has been written by Professor Brian Bercusson, University of Manchester, and the second part has been written by Professor Bercusson in cooperation with Dr Anni Weiler. The contribution of other members of the Research Group, who commented on earlier drafts of the report, is also acknowledged.

Membership of the Research Group is:

Brian Bercusson
Eva Brumlop*
Linda Dickens
Yota Kravaritou
Riitta Martikainen
Nathalie Wuiame

Representatives of the European Commission

Daniela Rofi and Maria Stratigaki

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

Mia Heikkinen
Hubert Krieger

* Died after long illness in September 1997.




Contents

	Page
Foreword	v
Acknowledgements	vii
Part I: Collective bargaining and equal opportunities agreements	1
Chapter 1 Introduction	3
Outline of the research project	4
Overall objectives of the project	4
Structure of this report	5
Methodology	6
Chapter 2 European Union policy on equal opportunities	9
The social dialogue	9
The Amsterdam Treaty: a catalyst	10
Chapter 3 Defining equal opportunities	13
Equality of treatment and equality of outcomes	14
Equality and difference	14
Illustrations from the EC law on equality	15
Feminist theory and equality: the concept of gender	16
Some practical implications	17

Chapter 4	Collective bargaining and equal opportunities:	
	Limitations and potential	19
	Collective agreements: the objective potential for transposition	20
	The objective supply of collective agreements	21
	The subjective demand for collective agreements	22
	The negotiating process and equal opportunities	22
	Trans-national transpositional mechanisms	23
Part II:	Analysis of equal opportunities agreements	27
Chapter 1	Organizational cultures/structures	29
	Key issues	29
	EU dimension	29
	Agreements and provisions	30
	Summary	40
	Table	41
Chapter 2	Job access/sex segregation	55
	Key issues	55
	EU dimension	56
	Agreements and provisions	57
	Recruitment	57
	Summary	60
	Table	61
	Promotion	65
	Summary	69
	Table	70
	Training	75
	Summary	77
	Table	79
Chapter 3	Pay equity	83
	Key issues	83
	EU dimension	84
	Agreements and provisions	85
	Summary	89
	Table	91
Chapter 4	Sexual harassment	95
	Key issues	95
	EU dimension	96
	Agreements and provisions	96



	Summary	102
	Table	103
Chapter 5	Reconciliation of work and family	113
	Parental leave	113
	Key issues	113
	EU dimension	115
	Agreements and provisions	116
	Summary	124
	Table	126
	Family leave	137
	Key issues	137
	EU dimension	137
	Agreements and provisions	137
	Summary	139
	Table	140
	Childcare	143
	Key issues	143
	EU dimension	143
	Agreements and provisions	143
	Summary	145
	Table	146
Chapter 6	Working Time	149
	Reduced working time and part-time work	149
	Key issues	149
	EU dimension	150
	Agreements and provisions	151
	Summary	156
	Table	158
	Job Sharing	167
	Key issues	167
	Agreements and provisions	167
	Summary	169
	Table	170

Part I

Collective Bargaining and Equal Opportunities Agreements



Chapter 1

Introduction

This report is the third in a series from the *Equal Opportunities and Collective Bargaining Research Project* of the European Foundation for the Improvement of Living and Working Conditions, which seeks to examine the link between collective bargaining and the advancement of equal opportunities¹. The first report from the project *Defining the Issues*, by Professors Brian Bercusson and Linda Dickens, mapped out the terrain of the project; the second, *Exploring the Situation*, by Professor Yota Kravaritou, examined the position of women in the European labour market, looked at the role played by women in the social partner organizations and reviewed how the collective bargaining process handled equal opportunity issues. This report, *Innovative Agreements: An Analysis*, by Professor Brian Bercusson and Dr Anni Weiler looks in detail at the substance of collective agreements on equal opportunities across a broad range of subjects and seeks to draw lessons for the social partners, both at European and national levels, from the innovative agreements documented.

The encounter between collective agreements and equal opportunities coincides with radical developments in the evolution both of collective bargaining and equal opportunities at European Union level.

The increased importance of collective bargaining in equal opportunities policy was recognized and encouraged by the European Commission². The extension of collective bargaining in the form of the social dialogue at EU level opened up a new potential role for collective agreements on equal opportunities at both inter-sectoral and sectoral levels.

¹ I am particularly grateful to Hubert Krieger of the European Foundation for the Improvement of Living and Working Conditions, and Riitta Martikainen of the Finnish Ministry of Labour for their valuable comments on the first draft of this Report.

² European Commission, Third Action Programme on Equal Opportunities, 1991.

The Agreement on Social Policy attached to the Maastricht Treaty's Protocol on Social Policy explicitly recognizes the implementation of Community social policy and labour law through collective bargaining within Member States (Article 2(4)). The Agreement provides a role for the social partners at EC level in formulating Community social policy and labour law (Articles 3 and 4(1)). If the social partners at EC level reach agreements, it appears that Member States are obliged to implement these agreements within their national legal orders (Article 4(2))³. With the emergence of European Works Councils, there is now also scope for equal opportunities dialogue at European enterprise level.

The potential of these developments is evident in the fact that the first two agreements reached through the Social Protocol procedure have been on subjects related to equal opportunities: the Agreement on Parental Leave⁴ and on Part-Time Work⁵.

To exploit this potential, research on collective bargaining and equal opportunities requires an appreciation of different concepts of equal opportunities, and of the limitations and pitfalls of collective bargaining and equal opportunities.

Outline of the Research Project

Given the diversity across Member States (in the specifics of women's labour market position, in the scope and nature of collective bargaining) the aim is not to provide a decontextualized, overly prescriptive 'action check list' on equal opportunities and collective bargaining for the social partners. Rather, by providing information and expert commentary on what is happening in different Member States, including detail of collectively agreed provisions, the aim is to facilitate learning from the experience of others; to stimulate and inform the thinking of social partners (and others) at European and national levels by indicating what might be possible/most effective and the factors which will facilitate or constrain achievement.

Two aspects emerged as particularly important. First, the dimension of the agreements themselves, the subject of this report, which builds on the rich vein of material documented. Secondly, the process of negotiating equal opportunities agreements, which is the subject of a further report.

Overall Objectives of the Project

Within the constraints of its resources and time scale, therefore, the project is concerned with the content of collective agreements, the collective bargaining process (construction of bargaining agendas, translation of agendas into agreements) and the link between provision and outcome/impact.

³ Bercusson, B., 'Maastricht: a fundamental change in European labour law', *Industrial Relations Journal*, No. 23, 1992, p. 177; 'The dynamic of European labour law after Maastricht', *Industrial Law Journal*, No. 23, March 1994, p. 1.

⁴ A directive incorporated the social partners' Agreement on Parental Leave in 1996.

⁵ The Commission has proposed to transform the social partners' agreement of 6 June 1997 into a directive.



The objective of the project is derived from the expectation that equal opportunities policy, like other EC social policy, will be increasingly channelled through social dialogue and collective bargaining. EC equal opportunities policy may in future be formulated by social dialogue through the social partners at EC level, and implemented within the Member States through collective bargaining⁶.

The principal overall objective of the project is, therefore, to assist in:

- supporting the process of social dialogue at the European level;
- supporting negotiators at the national and enterprise level.

This overall objective encompasses subsidiary objectives which include:

- to describe the extent of regulation of equal opportunities in collective bargaining;
- to illustrate ‘good’ practice in order to support progress on this topic;
- to illuminate the process whereby such agreements may be reached.

Structure of this Report

This report reviews EU policy on equal opportunities, looks at definitions of equal opportunities, and examines the limitations of the collective bargaining process in relation to the development of the equal opportunities agenda. It details the methodology used in the collection and analysis of ‘good’ collective agreements and then goes on to analyse, at length, ‘good’ collective agreements.

Firstly, the material collected demonstrates not just that ‘good’ equal opportunities agreements have been negotiated in different countries on a variety of topics, but that such agreements have been negotiated in the same sectors, covering the same kinds of work and workers, in different countries. This offers a promising, but as yet relatively underdeveloped, prospect for transposition. Secondly, there is a synergy between equal opportunities and collective bargaining. Features of each can promote the other.

The increased importance of collective bargaining in equal opportunities policy has been emphasized by the European Commission: ‘The social partners will also be encouraged to make equal opportunities an issue in the collective bargaining process’⁷. There is no detailed system of Community required procedures and remedies laid down as minimum requirements for the enforcement of European gender equality law. National approaches may encompass social regulation through collective bargaining as well as the enactment of legislation or other means. In some countries, social regulation is prioritized over legal regulation.

⁶ This does not exclude the contribution of other regulatory forms: legislation, regulations or administrative provision, codes of practice, case law, etc.

⁷ European Commission, Third Action Programme on Equal Opportunities, 1991.

The issue of collective bargaining and equal opportunities has additional importance, given the increased feminization of the European labour market and the need for employment policies and trade union strategies to respond to such changes.

Thirdly, there exists to hand potential and actual institutional frameworks of collective bargaining which can serve to further equal opportunities policy: the EU sectoral social dialogue and European Works Councils. However, in relation to European Works Council, recent research from the Foundation shows that of the close on 400 agreements negotiated under Article 13 of the European Works Council Directive, only 6% specifically include equal opportunities issues as within the competence of the EWC⁸.

Methodology

National rapporteurs were to organize the process of collection systematically, with recorded identification of sources and classification of materials collected. Various sources were investigated:

- academic literature in relevant disciplines (industrial relations, sociology of work, women's studies);
- publications of government specialist bodies for women: eg, Equal Opportunities Commission, Commission Nationale de la Negotiation Collective, Commissione Nazionale per la Parità; various German State authorities;
- trade unions, employers and their associations;
- professional literature in different sectors, or disciplines (management, trade union think tanks);
- independent groups: women's groups, trade union centres.

The objective was to assemble a number of 'good' collective agreements/provisions. The concept of a 'good' equal opportunities agreement was elaborated under a number of headings.

The identification of 'good' agreements in both the national reports and in this report and the third report was not carried out on a 'scientific' basis – ie, the examples chosen are not 'representative' of the range of collective agreements in the various countries but are 'leading edge' agreements which point the way forward as to how collective bargaining can promote equal opportunities.

A first category of 'good' equal opportunities agreements includes those which are self-declared equal opportunities agreements. Agreements such as positive action agreements in the broadest sense, including equality plans or agreements with a stated relevance to gender equality. The sociological dimension of 'good' equal opportunities agreements was emphasized: those which

⁸ Marginson, P., Gilman, M., Jacobi, O., Krieger, H., European Foundation for the Improvement of Living and Working Conditions, *Negotiating European Works Councils: An Analysis of Agreements Under Article 13*, Dublin, European Foundation, 1998.



aim at pay inequity, the gender hierarchy, the gender distribution of paid and unpaid work and organizational structures. It was decided, in seeking out ‘good’ agreements of this type, to concentrate on the family/work interface, job access/sex segregation and working time.

Analysis of self-declared ‘good’ agreements aimed to identify the features which make these agreements good in themselves: eg,

- procedures to achieve equality;
- structures established;
- goals/targets specified;
- timetables prescribed.

A second category of ‘good’ equal opportunities agreements includes also those which explicitly address processes which lead to discriminatory practice. These agreements aim to tackle ‘invisible’ discrimination in the implementation of apparently neutral agreements. It was decided, in seeking out ‘good’ agreements of this type, to concentrate on pay discrimination and organizational cultures/structures, specifically, relating to sexual harassment and job-sharing arrangements.

In the case of ‘good’ agreements explicitly addressing discriminatory practice, the specific content being analysed is, first, the agreement's identification of discriminatory effects, or discriminatory application of ‘neutral’ factors (pay criteria, working hours regimes), and, secondly, the steps taken to remedy discriminatory application, or to avoid discriminatory effects. In particular, information about procedures aimed at identifying and eliminating discriminatory practices should be highlighted.

Analysis aims at showing how these agreements achieve exposure of the discriminatory effects of neutral agreements by collecting evidence of discrimination, analysing causes and demonstrating how this can be avoided through procedures, structures, goals and timetables.

The agreements identified can be portrayed in the form of the following matrix:

Types	Self-declared equal opportunities agreements	Explicitly anti-discrimination agreements
Topics	family/work interface job access/sex segregation working time	pay discrimination organizational culture/structures

It was emphasized that agreements per se are less important, as agreements differ in their length, coverage, detail, etc. Rather it is provisions dealing with equal opportunities which are important. These should be as detailed as possible, not merely general expressions of principle. Numbers are

not as important as the quality of the agreements selected, and should include those which are the most explicit, elaborate, detailed and persuasive about how to overcome sex discrimination

There is no attempt at a representative overview. But although quality is the first priority, it is obvious that a certain minimum number of agreements should be provided to make the exercise at all convincing. In the event, the number of agreements identified by national rapporteurs varied from about a dozen to over thirty: a total of over 250 agreements/provisions. The number of agreements, and the amount of information on these agreements, from different countries, varied among the national reports. Imbalances in the number of references to different countries in the Consolidation Report reflects this variation, despite attempts to achieve as much balance as possible.

These agreements cover the different subject matters specified:

- organizational cultures/structures;
- job access/sex segregation: recruitment, training, promotion;
- pay equity: transparency, wage setting criteria and machinery, level of pay negotiations, compensatory mechanisms;
- sexual harassment;
- reconciliation of work and family life: parental leave, family leave, career breaks, childcare;
- working time: reduced working time and part-time work, job-share.

As with numbers of agreements, the amount of material available on the different topics varied among the national reports. Again, this report reflects the relative availability of material under different topic headings and attempts to achieve as much balance as possible.

The approach adopted was to look to these ‘good’ agreements with a view to exploring their potential for transposition: what could be learned across sectors and countries from successful attempts to negotiate agreements on various topics, which have earned at least the initial qualification of ‘good equal opportunities agreements’.



Chapter 2

European Union Policy on Equal Opportunities

Equal opportunities between women and men, in the forefront of EC social policy since its beginnings, have expanded beyond the original concept of direct and intentional discrimination in the form of less favourable treatment of women by reason of their sex. It now covers indirect discrimination, positive action, mainstreaming, critical review of protective legislation, pregnancy, maternity and childcare and sexual harassment. The scope of the concept now includes discrimination in access to work, conditions of work, vocational training, pensions, both public and private, and social welfare. This deepening of European equal opportunities laws owes much to the dynamic interpretation of Community legislation by the European Court of Justice.

The Social Dialogue

As noted earlier in this report, the Agreement on Social Policy attached to the Maastricht Treaty's Protocol on Social Policy provided a role for the social partners at EC level in formulating Community social policy and labour law (Articles 3 and 4(1)). If the social partners at EC level reach agreements, it appears that Member States are obliged to implement these agreements within their national legal orders (Article 4(2))¹. The Agreement also explicitly recognized the possibility of the implementation of Community social policy and labour law through collective bargaining within Member States (Article 2(4)). With the emergence of European Works Councils, there is now also scope for equal opportunities bargaining at European enterprise level.

¹ Bercusson, B., 'Maastricht: a fundamental change in European labour law', *Industrial Relations Journal*, No. 23, 1992, p. 177; 'The dynamic of European labour law after Maastricht', *Industrial Law Journal*, No. 23, March 1994, p. 1.

The potential of these developments is evident in the fact that the first two agreements reached through the Social Protocol procedure have been on subjects related to equal opportunities: the Agreement on Parental Leave² and on Part-Time Work³.

The Amsterdam Treaty: A Catalyst?

Both EU social dialogue and EU policy on sex equality, have now been reinforced by the Amsterdam Treaty. On the one hand, the ‘social chapter’ (the Protocol on Social Policy to the Maastricht Treaty, and the Agreement attached to it) was integrated into the Treaty of Rome and replaces the former Articles 117-122 with new provisions. Further, the Amsterdam Treaty introduced new provisions into the EC Treaty, including a number of changes to the ‘social chapter’ provisions which referred to equality and discrimination.

Specifically regarding sex discrimination, there is introduced a supplement to Article 2 of the Treaty: ‘The Community shall ... promote ... a high level of employment and social protection, equality between men and women, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States’. All these were already present in Article 2 (as amended by the Maastricht Treaty), except for the reference to equality between men and women. This addition may be significant, when coupled with the expanded new Article 119 allowing for positive action.

Further, there is a supplement to Article 3 of the EC Treaty in the form of a new paragraph:

‘In all the activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women’.

This is again a reinforcement of positive action, but specifically recognizing the policy of ‘mainstreaming’, whereby sex equality is not seen as a separate issue, but integrated into all policy dimensions of the EC.

The Amsterdam Treaty inserted a wholly new paragraph into Article 119:

‘The Council, acting in accordance with the procedure referred to in Article 189b, and after consulting the Economic and Social Committee, shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.’

Previously, such measures as the Equal Pay Directive 75/117 had to be adopted under Article 100 of the Treaty, which authorized ‘directives for the approximation of such laws, regulations or

² A directive incorporated the social partners' Agreement on Parental Leave in 1996. Council Directive 96/34/EC of 3 June 1996 on the Framework Agreement on parental leave concluded by UNICE, CEEP and the ETUC. OJ L145/4 of 19 June 1996.

³ The Commission has proposed to transform the social partners' agreement of 6 June 1997 into a directive.



administrative provisions of the Member States as directly affect the establishment or functioning of the common market'. This requirement of 'market legitimacy' is no longer necessary. It is replaced by a provision allowing for the proposal of directives with the explicit mandate of ensuring the application of the EC law on sex equality. The procedure is that of codecision Article 189b), giving the European Parliament a greater voice in determining sex equality policies.

A second new paragraph inserted by the Amsterdam Treaty is a revised and expanded version of Article 6(3) of the Maastricht Agreement: (new wording underlined).

'With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex [formerly: women] to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.'

This new provision seems to go beyond its predecessor authorizing positive action: the Equal Treatment Directive 76/207, Article 2(4):

'This Directive shall be without prejudice to measures to promote equal opportunity for men and women, in particular by removing existing inequalities which affect women's opportunities in the areas referred to in Article 1(1).'

More important, it is now a Treaty provision, not merely a Directive. It may be particularly timely in light of recent decisions of the European Court of Justice in *Kalanke*⁴ and the Advocate General's opinion in *Marshall*⁵, widely interpreted as hostile to positive action measures. The subsequent decision of the Court in *Marshall*, however, which disagreed with the Advocate General, is more in line with the policy of the new Treaty provision.

The new provisions promoting sex equality in the Amsterdam Treaty make it increasingly important for the results of this research project to be carefully considered.

⁴ Case C-450/93: *Kalanke v. Freie Hansestadt Bremen* [1995] ECR I-3051.

⁵ Case C-409/95: *Marshall v. Land Nordrhein-Westfalen*.



Chapter 3

Defining Equal Opportunities

A detailed theoretical discussion of the nature and causes of women's disadvantage and of 'EO' (equal opportunities) is beyond the requirements of this paper but it is necessary to consider the different ways in which EO can be conceptualized not least because, explicitly or implicitly, different conceptualizations inform the identification of what are seen to be 'EO provisions' or 'good' agreements/practices. The concept of 'good' practice in the area of equal opportunities and collective bargaining is neither a straightforward nor an uncontested one.

It is not necessary, in order to proceed, to agree a single, 'true' definition or 'ideal' concept of EO. Indeed one important aspect of the research is to identify and critically analyse the range of definitions actually operating and the range of criteria whereby agreements are or may be assessed. However, the research activity needs to be based on an understanding of the multiple criteria of evaluation which exist and it is necessary to be aware of, and acknowledge, that the use of common terminology ('equal opportunities') may conceal conceptual diversity and possible confusion about objectives. Also provisions which in one context (or from one perspective) may be viewed as good EO provisions, may be seen as running counter to gender equality in a different context, or from a different conceptual perspective¹.

The following discussion addresses these points.

¹ This should not be taken as an argument that all definitions of 'good practice' are necessarily equally valid. The expert discussion which will take place in analysing the research data may be expected to produce reasoned arguments why, in terms of promoting gender equality, certain approaches may be seen as preferable to others.

Equality of Treatment and Equality of Outcomes

One conceptual distinction which can be made is between EO as equality of treatment, and EO as equality of outcomes^{2,3}. The former embodies liberal notions of equality of opportunity with an emphasis on formal, procedural equality where everyone is helped to compete equally on the basis of their individual talents (requiring removal of discrimination and limited positive action to compensate for disadvantage).

The latter focuses on substantive equality rather than formal equality; on 'equal shares' rather than 'equal treatment' and is concerned with the outcomes of the game rather than the rules of play. Such an approach tends to call for direct intervention in workplace practice to achieve a fair (representative/proportional) distribution of outcomes; it adopts a group perspective and is associated with such measures as quotas, preferential hiring, etc.

This distinction is echoed by that between the individual justice model and group justice model, posed as alternative models of the objectives of anti-discrimination legislation. McCrudden⁴ argues that European equality law adopts modified versions of both (but see also Fredman⁵). In the UK context the national application of European law has been characterized as adopting an individualized, liberal conceptualization (Dickens⁶).

As this distinction suggests, the criteria used to evaluate which measures constitute 'good EO provisions' will differ depending on the concept being used.

Equality and Difference

Even within a conceptualization of EO as requiring 'equal treatment' there is room for divergence, as the debate around the question of sameness or difference (as between men and women) reveals (among a number of contributions here, see Bacchi⁷). If EO is seen as requiring men and women to be treated the same, this may lead to women being offered equality only on male terms (ie, if they can conform to male-centred norms, requirements, etc.) and may reinforce the notion that difference = disadvantage. An alternative approach is to conceptualize equal treatment as requiring **parity** of treatment as between men and women (recognizing differences), rather than the same treatment, a call for equivalence rather than equality (Cockburn⁸).

Related to this issue is the extent to which EO is perceived as calling for changes in male gendered (but often taken as neutral) organizational and occupational structures, practices,

² Jewson, N. & Mason, D., 'The theory and practice of equal opportunities policies: liberal and radical approaches'. *Sociological Review*, No. 34(2), 1986, 307-333.

³ Gregory, 1989.

⁴ McCrudden, C., 'The effectiveness of European equality law: the national mechanisms for enforcing gender equality in the light of European requirements'. *Oxford Journal of Legal Studies*, No. 13, 1993, 302-367.

⁵ Fredman, S., 'European Community discrimination law: a critique'. *Industrial Law Journal*, No. 21(2), 1992, 119-134.

⁶ Dickens, L., 'Anti-discrimination legislation: exploring and explaining the impact on women's employment'. *Legal Interventions in Industrial Relations*. Ed. W. McCarthy. Oxford, Blackwell, 1992.

⁷ Bacchi, C. *Same Difference: Feminism and Sexual Difference*. London: Allen and Unwin, 1990.



cultures, norms, value systems etc. That is to say, EO may be conceptualized as requiring ‘women-friendly’ provisions to help women adapt to, and get on within, structures as they currently are or, alternatively, as calling for changes in those structures, cultures etc. to accommodate women. The first approach is part of what has been termed a ‘short’ agenda for EO while the second approach belongs to a ‘long’ agenda, which Cockburn^{8,9} sees as a project of transformation for organizations.

Illustrations from the EC Law on Equality

The issues of equality and the male norm, equality and difference, and equality as neutrality have been confronted on various occasions in the EC law on equality¹⁰.

On the issue of **equality and the male norm** as the standard of comparison, the case of dismissal by reason of pregnancy in the decision in *Dekker* is put forward¹¹. In the Court’s judgement, pregnancy is not to be judged on the basis of a male norm of absence from work. Rather, absence due to pregnancy was held to be special and unique to women, **not** comparable to men’s disability. This may be contrasted with the judgement in *Hertz*, where the male norm of absence from work was applied in the case of long-term consequences of pregnancy and maternity leave¹².

Another example, the case of *Rummler*, concerned the criteria for job evaluation in a pay structure¹³. The job evaluation scheme applied physical effort as a neutral criterion, on the assumption that the male norm of physical strength is the objective standard. This was upheld by the Court; however, it did stipulate that equality for women should be attained by balancing this male norm with other criteria in the job evaluation scheme favourable to women.

The problem of the dominance of the male norm is illustrated by the extent to which occupational segregation based on sex is effective in preventing women claiming equal pay. One example is by the law’s limiting the scope of comparisons. A minor breach in this obstacle is *Macarthy’s Ltd v Smith*, which allowed comparison between successive female and male employees in the same post, obviating the requirement that the comparator be in contemporaneous employment¹⁴. The recent decision in *Enderby* also overrode occupational segregation, reflected in separate collective bargaining arrangements for male and female dominated categories of workers, to allow a claim for equal pay¹⁵.

⁸ Cockburn, C. *In the Way of Women*. Basingstoke, Macmillan, 1991.

⁹ Cockburn, C., ‘Equal opportunities: the short and long agenda’. *Industrial Relations Journal*, No. 20(3), 1988, 213-225.

¹⁰ Fredman rehearses the well-known critiques of equality as an instrument to combat discrimination and disadvantage and describes the case-law of the European Court of Justice in light of them. She concludes that, where the Court has addressed the issues, overall its record is good, save for the issue of market forces as a justification for indirect discrimination.

¹¹ *Dekker v Stichting Vormingscentrum voor Jonge Volwassenen*, Case C-177/89 (1990-I) ECR 3941.

¹² *Handels- og Kontorfunktionærernes Forbund i Danmark (acting for Birthe Hertz) v Dansk Arbejsgiverforening (acting for Aidi Marked A/S)*, Case C-179/88 (1990-I) ECR 3979.

¹³ *Rummler v Dato Druck GmbH*, Case 235/84 (1986) ECR 2101.

¹⁴ Case 129/79 (1979) ECR 1275.

¹⁵ Case 127/92, decided 27 October 1993.

The concept of indirect discrimination developed by the Court has been a powerful weapon in the hands of part-time workers, predominately women¹⁶. But again, their entitlement is limited *pro rata* to the norms established for male full-timers.

On the issue of **equality and difference**, the danger that by protecting differences, the law may be perpetuating stereotypes has been recognized in the literature. On occasion, the Court has been less attentive to this dimension. Directive 76/207 on equal treatment includes in Article 2(3) a derogation for reasons of pregnancy and maternity. In *Hofmann*, the Court simply refused to consider questions of family organization or division of parental responsibility¹⁷. The Court was more forthcoming in a case of French collective agreements granting parental leave and other benefits exclusively to women, rejecting the defence of the agreements as reflecting cultural norms¹⁸. In a case affected by the Directive's Article 2(2), excluding from coverage occupations where sex is a determining factor, the Court rejected the argument as applied to the protection of police women, but left open the possibility of occupational specificity – subject to the principle of proportionality¹⁹.

The perspective of **equality as neutrality** can be criticised as assuming a symmetry of position between men and women, ignoring disadvantages of the latter in the labour market. An illustration is the *Integrity* case. A claim by married men self-employed workers to the same social security rights as married women was upheld. Advocate-General Jacobs argued that there was no need for a gender perspective. Policy-makers could look at each case for relevant factors of income, dependency and so on for decisions on social security, ignoring structural disadvantages of women. This prospect of individualized assessment, too costly in practice, militates against provision for the structurally disadvantaged. Provision for the latter might be justified even if not neutral, but discriminatory in favour of the disadvantaged.

Feminist Theory and Equality: The Concept of Gender

Feminist theory of the concept of equality starts from the concept's negation of a specific gender dimension, with the consequence, as described above, that it is male definitions that are adopted as norms, of the normal, of the neutral. The substantive content of the standards to which all are to have equal access is defined in male terms; in particular, the standard employment relationship of the full-time, permanent, continuous, paid worker.

One strand of feminist theory argues that there is a specifically female perspective which is required to correct the dominant male perspective. Providing this correction allows for definitions of standards which accommodate women as well as men. This is the approach, for example, of the late Tove Stang Dahl²⁰ in the field of law. Her analysis seeks to change the categories classifying different fields of law to reflect women's reality.

¹⁶ *Bilka-Kaufhaus GmbH v Weber vom Hartz*, Case 170/84 (1986) ECR 1607. The British Equal Opportunities Commission has recently secured the removal of long-standing provisions in legislation which excluded part-time workers from protection from unfair dismissal (Dickens, 1995).

¹⁷ *Hofman v Barmer Ersatzkasse*, Case 184/83 (1984) ECR 3047.

¹⁸ *Commission v France*, Case 312/86 (1988) ECR 6315.

¹⁹ *Johnson v Chief Constable of the RUC*, Case 222/84 (1986) ECR 1651.

²⁰ Dahl, Tove Stang. *Women's Law: An Introduction to Feminist Jurisprudence*. Oslo, Norwegian University Press, 1987.



A different approach is that of cultural or standpoint feminism, as argued by MacKinnon²¹, which holds that the law is inextricably bound up with male domination. The problem is to identify the forms this domination takes, and identify the specifically female standpoint. Thereafter, two strategies emerge as alternatives.

The first focuses on difference. Exponents of women's difference such as Gilligan²² would argue that special provisions are required to recognize and protect these differences. The second emphasizes equality: that men and women are equal in all respects and that the law must recognize this sameness. The first strategy would demand special treatment related to maternity; the second would stress equal provision to that of men with equivalent biological needs – short-term physical indisposition or vulnerability.

Each of these strands rejects law's claim to be gender-neutral. The argument of the first is that law needs a new equilibrium reflecting women's reality. The argument of the second is that law cannot be constructed using men's reality; the dominant sex's partial perception can only be replaced by the correct perception of the oppressed sex.

A different strand of feminist theory objects that to define law as masculine implies that there is a definable reality attaching to each of the categories 'man' and 'woman'. This is challenged by Smart²³, with respect to 'woman' as a category of feminist thought, by referring to the fragmented experience of women of different races, classes, and so on. There is no epistemologically defensible concept of femaleness (or maleness) outside a specific cultural context. Different cultural contexts and histories produce different definitions of women and men.

Some Practical Implications

The theoretical themes discussed above have various practical implications for research into collective bargaining and equal opportunities.

If EO is seen as being more than adapting women, it requires EO measures to have a focus which extends beyond women. There is a need to remember that men are part of gender equality.

As suggested earlier, it is not necessarily a simple matter to identify particular measures unequivocally as EO measures. In addition to the problem of multiple meanings of 'EO', which has just been indicated, different assessments may be reached depending in part on the analysis of the problem; what are perceived to be the causes of women's current inequality in employment, and in part on needing to place measures in their context, including their operation in practice.

²¹ MacKinnon, C. *Feminism Unmodified: Discourses on Life and Law*. Cambridge, Mass. and London, Harvard University Press, 1987.

²² Gilligan, C. *In a Different Voice*. Cambridge, Mass. and London, Harvard University Press, 1982.

²³ Smart, C. 'Law's power, the sexed body and feminist discourse'. *Journal of Law and Society*, No. 17, 1990, 194-210.

Some provisions which are often taken at face value to be EO provisions in fact may be double-edged for women's equality, with negative potential in terms of promoting equality as positive.

An example of this is provided by measures which (in form or practice) reinforce the premise that women have, and should continue to have, primary responsibility for childcare (and other dependent care) with a consequent intermittent (and less 'committed') attachment to the workforce than men, who are not seen as carers. On this analysis, enhanced maternity or childcare leave for women, although facilitating women's continued participation in wage work, may be problematic for EO. Provisions targeted at men, such as paternity leave, which could help foster a greater sharing of social and occupational responsibilities as between men and women and help challenge the 'male norm' in the organization of paid work might be considered (potentially) to offer more in terms of gender equality.

A second example is provided by flexibility arrangements including part-time schedules. Although numerical- or time-flexible work arrangements may be valued as an aid to combining domestic responsibilities and paid work, the existence of part-time or other 'non-standard' working may be a problematic indicator of EO. Gender equality is unlikely to be served where part-time work is ghettoised into low graded 'women's jobs' or detached from an organization's internal labour market and remuneration system. One would need to know, not simply that there is provision for part-time work, but at what occupational levels this form of employment exists, to whom it is available, and on what conditions etc., to form an assessment.

Always an issue in considering gender equality is the fact that 'women' and 'men' are not homogeneous categories; differences exist in terms of ethnicity, class, age, etc. EO provisions, for example, may be concerned with a particular group of women rather than with women in general.

Chapter 4

Collective Bargaining and Equal Opportunities: Limitations and Potential

As an instrument for the achievement of equal opportunities, collective bargaining has its limitations. Collective bargaining as a concept is not particularly focused on equal opportunities. This is sometimes manifest in the discriminatory attitudes of the actors involved, in the processes of collective bargaining, and in the outcomes: the collective agreements themselves.

The EC's equal opportunities policy has looked primarily to legal means of implementation: legislation and enforcement through the courts or administrative agencies. However, doubts have been expressed as to whether reliance on these legal mechanisms is sufficient to achieve the policy objectives¹.

Despite some decline, collective bargaining is a key mechanism for determining terms and conditions of employment for large numbers of workers in Europe. Most countries have coverage above 60%, many over 80%.

The balance between regulation of employment by law and by social regulation through collective bargaining varies in different Member States. Therefore, the 'regulatory space' for collective bargaining varies. But even in those countries where statute law is the main source of regulation, collective bargaining plays an important role in mediating and implementing legal standards and legal rights.

Collective bargaining may be perceived as potentially an effective instrument, drawing on a continuum ranging from unilateral employer practices, to consultation and informal arrange-

¹ McCrudden, C., 'Procedures and remedies: the Louvain-la-Neuve conference on access to equality between women and men in the European Community', *Industrial Law Journal*, No. 22, 1993, p. 77; 'The effectiveness of European equality law: national mechanisms for enforcing gender equality law in the light of European requirements', *Oxford Journal of Legal Studies*, No. 13, 1993, p. 320.

ments through more formalized structures of bargaining and co-determination. This variety of processes is a significant factor in successful equal opportunities policy. Different processes might be more or less well adapted to the achievement of equal opportunities in specific areas.

The increased feminization of the European labour market creates the need for employment policies and trade union strategies to respond to such change. The increasing number of economically active women is reflected in female trade union membership. Surveys show that women's share of union membership is steady or rising, though there is great variation among countries in Western Europe with respect to overall union density, female union density, and ratio of female to male union density².

The position of women within trade unions has implications for collective bargaining on equal opportunities. Trade unions have taken initiatives to facilitate the articulation and representation of women's particular interests and to increase the number of women in leadership positions, though there is still substantial underrepresentation³.

Collective Agreements: The Objective Potential for Transposition

It is clearly of value to provide examples of a 'good' equal opportunities agreement or provision on a particular issue. This presupposes that there is a potential for transposition. The question is raised whether there are sufficiently similar objective structural or economic factors among all or between some Member States to allow for transposition.

To begin to answer that question, Phase 1 of the project comprised reports from each of the 15 Member States of the EU, with a Consolidation Report by Yota Kravaritou⁴. Reference is made to these country reports throughout Part II of this publication. Copies of the reports are available on request from the Foundation.

Structural and economic factors among the Member States do demonstrate certain general similarities. In all Member States, women have been increasingly involved in the labour market over the past few decades. Participation rates have soared in some countries (such as Greece, the Netherlands and Spain), and stand at levels exceeding 70% in most northern European countries. While no longer regarded as 'temporary workers', Yota Kravaritou highlights the persistence in some countries of 'all the encumbrances of their traditional domestic and reproductive roles'. Women dominate a secondary labour market, concentrated in specific sectors and occupations – the link between 'atypical' work and family responsibilities is found in all countries.

Another significant feature common to the Member States is the prevailing economic climate of recession and restructuring in both the private and public sectors.

² Hastings, S. & Coleman, M., *Women Workers and Unions in Europe: An Analysis by Industrial Sector*, Geneva, ILO, 1992, pp. 10-12 and Table 16 on p. 21.

³ Trebilcock, A., 'Strategies for strengthening women's participation in trade union leadership', *International Labour Review*, No. 130, 1991, p. 497; Braithwaite, M., & Byrne, C., *Women in Decision Making in Trade Unions*, Brussels, ETUC, 1993.

⁴ Kravaritou, Yota, *Collective Bargaining and Equal Opportunities*, Consolidation Report of Phase 1, 1997; see also the summary in the Supplement to the European Industrial Relations Observatory, *EIRO Observer*, Update, 2/97, European Foundation for the Improvement of Living and Working Conditions, Dublin, pp. i-iv.



On the other hand, although the gap between pay levels of women and men remains in all countries, the structure of collective bargaining in different Member States does affect differentials: they are narrower in countries with a centralized system of collective bargaining. There is evidence that decentralized bargaining cannot always deliver progress on equal opportunities. Similarly, the relationship between law and collective bargaining varies widely between the Member States, and where law plays an important role, the negotiating activity of the social partners is reduced, limiting the scope of bargaining over equal opportunities.

Nonetheless, although these differences persist across the EU as a whole, there is common ground among groups of Member States. Yota Kravaritou distinguishes three main groups in terms of bargaining coverage:

- countries where regulation through bargaining is sound and comprehensive (Austria, Denmark, Finland, Germany, Italy, Sweden, and, to a lesser extent, Belgium, France and the Netherlands);
- countries where the effectiveness of application of agreements is limited (Greece, Portugal and Spain, or patchy (Luxembourg); and
- countries where collective bargaining is less important, and the employment conditions of much of the labour force (40% and more) are governed by the terms of their individual contract (Ireland and the UK).

It may be that transposition of experience of equal opportunities bargaining within each of these groups will be easier than among Member States in different groups.

The Objective Supply of Collective Agreements

To the extent that there is some potential for transposition of equal opportunities agreements, at least among some, if not all Member States, is there a supply of transferable provisions? This raises both quantitative and qualitative questions. Do negotiated provisions on equal opportunities exist in sufficient numbers, and are they too specific or complex to be transposed to a different context?

The first task of national rapporteurs was to investigate the terrain precisely with a view to establishing whether provisions on equal opportunities could be found in collective agreements. The national reports do not underestimate the difficulties of identifying such provisions or assessing their quality. But, within the constraints of time and resources, sufficient examples were found to claim that such provisions do exist, justifying analysis with a view to possible transposition.

The material produced by the national reports allowed for analysis which looks beyond commonalities in subject matter. It was quickly evident that similar problems arose in different countries concerning the family/work interface, job access and sex segregation, working time, pay discrimination and organizational cultures and structures, sexual harassment and job-sharing. These common problems gave rise to attempts to foster equal opportunities in these areas through collective bargaining.

But close analysis revealed that the supply of such agreements could be presented in terms of sectoral specificity. The presence of collective agreements on equal opportunities in the same sector in different countries greatly facilitates explanation. If the social partners in the same sector repeatedly negotiate equal opportunities agreements, in different national contexts, there appear to be sectoral attributes which allow for such negotiation, which compensate for or overcome national differences.

The possible transposition of sectoral experience between countries greatly improves access to the supply of transferable provisions. Communication among the social partners in the same sector is much easier than across sectors. This point will be taken up in further detail in the concluding section of this chapter which will examine the potential of the sectoral social dialogue and European Works Councils to act as trans-national mechanisms of transposition.

The Subjective Demand for Collective Agreements

This assumes, of course, that there is a demand for transferable provisions. This reflects back on the potential, but more on the subjective openness and ability of the social partners to exploit the innovative provisions available.

One problem is that the instrument for achieving the transposition of equal opportunities experience is not easy to construct. Education and training of negotiators in experiences outside their own plant, company and/or sector is not easy. It requires time, investment and the commitment of negotiators already busy mastering the problems confronting their own specific plant, company or sector, and other issues which are highest on their own agendas. They may see it as a luxury to address the problems of other sectors and the complexities of equal opportunities in other countries. Hence, it has been often left to mechanisms outside collective bargaining to achieve this learning and transposition of experience; eg, individual litigation, enforcement bodies, specialist equality commissions. As already noted above, their success has been mixed.

Furthermore, the Phase 1 Consolidation Report highlighted the severe underrepresentation of women in trade union governing bodies in Member States, and, in particular, in negotiating bodies, and noted their absence from important structures in employers' organizations. On the other hand, it was noted that certain factors were conducive to openness: employers tended to favour equal opportunities where it can further their economic interests; and trade unions may be under pressure from their increasing female memberships to undertake equal opportunities bargaining initiatives. The Phase 1 Consolidation Report concludes that increasing the openness and ability of the social partners to negotiate agreements on equal opportunities requires the training and installation of women as negotiators, who can 'humanize' bargaining.

The Negotiating Process and Equal Opportunities

The second objective (Phase 3) of the Project is to explore the dimension of the process of reaching equal opportunities agreements. The utility of the approach based on the content of the



agreement is considerably enhanced by a concern also with the process by which the parties arrive at such provisions/agreements. The process comprises both the formulation and the implementation of agreements.

The objective is to attend to the construction and handling of bargaining agendas and detailed study of the process of reaching and implementing particular agreements. The research adopts a case-based approach involving particular study of the process relating to pre-identified 'good' agreements/provisions. The case studies will not necessarily be representative, but, rather, indicative of what can be done and how, and instructive as to the factors which facilitate or hinder progress in this area. They aim to generate generalizable ideas and enable the identification of factors of potential relevance to other situations and other countries.

Trans-national Transpositional Mechanisms

As already noted, close analysis of the material produced by the national researchers revealed that such material could be understood in terms of sectoral specificity. If the social partners, in different national contexts, in the same sector repeatedly negotiate equal opportunities agreements, there appear to be sectoral attributes which allow for such negotiation, which compensate for or overcome national differences. The possible transposition of sectoral experience between countries greatly improves access to the supply of transferable provisions. Communication among the social partners in the same sector is much easier than across sectors.

Good agreements on various topics can be found in sectors ranging from air transport (airlines and airports), banking/finance/insurance. Television and radio broadcasting, chemicals/paper/ceramics, clothing and textiles, gas/electricity/energy, health services, central and local government, food processing, metalworking, post/telecommunications, printing, the retail trade, and so on.

The European sectoral social dialogue could provide a framework within which the transposition of good equal opportunities practices can be discussed.

Second, the fact that, frequently, 'good' equal opportunities agreements are to be found in some, but not all, the national subsidiaries of trans-national enterprises suggests that equal opportunities is a potential item for inclusion on the agenda where such enterprises have, or will have, a European Works Council. Examples analysed in the research include the following:

- Hewlett-Packard Ltd., Boblingen, Germany;
- Imperial Chemical Industries, UK;
- Du Pont de Nemours (Luxembourg);
- Osterreichische Nestle Gesellschaft, Austria;
- Heineken (Netherlands);
- Unilever (Netherlands);
- Elf Aquitaine (France);

- Unisys (France);
- Zanussi (Italy);
- Italtel (Italy);
- Thyssen Stahl (Germany);
- Volkswagen (Germany);
- Fruit of the Loom (Ireland);
- Sony (Italy);
- Ford Motor Company (UK).

Two considerations suggest that, for both employers and unions, equal opportunities are a potentially fruitful item for discussion in the sectoral social dialogue and at European Works Councils meetings. Firstly, there is a common European legal framework on equal opportunities, as outlined in detail earlier in this report. This framework is strengthened by the new provisions in the Amsterdam Treaty. Such a common framework takes equal opportunities ‘out of competition’ as between countries and enterprises.

Secondly, and more positively, from a human resource perspective, equal opportunities is about creating structures in the workplace that allow each and every employee to maximize their contribution in accordance with their skills and talents. Equal opportunities is about eliminating those deeply ingrained cultural prejudices which prevent women (mainly) and men from developing to their full potential. As such, equal opportunities should not be seen as a distributional bargaining issue with winners and losers, but rather as a positive sum game from which all can benefit. In so far as good equal opportunities policies can release women and men from work structures which inhibit their productivity, then such policies make a major contribution to competitiveness. Equal opportunities can help build that new partnership at the workplace which the European Commission has called for in its Green Paper ‘Partnership for a new organisation of work’⁵.

If equal opportunities policies are seen from such a human resource developmental perspective, then their appropriateness for inclusion on the agenda of the sectoral social dialogue and European Works Councils is beyond doubt. Through the sectoral social dialogue good equal opportunities practices which are sector specific can be transposed from country to country, as enterprises within the sector learn from one another. Equal opportunities working groups could be set up within the social dialogue structures to examine how to identify best practice within the sector and to develop ways of diffusing such best practice as widely as possible. The material documented in this report could provide a useful starting point for such working groups.

The same holds true for European Works Councils. If through the sectoral social dialogue, enterprises within the same sector can learn from one another how best equal opportunities practices can contribute to competitiveness, then the same is even more true for the different national undertakings within the same enterprise. If, for example, Unilever in the Netherlands

⁵ European Commission, Partnership for a new organization of work, Green Paper, Document drawn up on the basis of COM(97) 128 final, Bulletin of the European Union, Supplement 4/97, Luxembourg 1997.



has developed equal opportunities policies and practices which are regarded as innovatory, then is not the company's European Works Council a good way of drawing attention to such developments and encouraging employee representatives to discuss similar initiatives with their own local managements? In this way, the EWC can add positive value to the organization's European human resource development plans. Along with the economic, financial and employment data which central management reports on to the annual EWC meeting, perhaps a report on what is being done to develop an equal opportunities culture within the organization should also be required.



Part II

Analysis of Equal Opportunities Agreements



Chapter 1

Organizational Cultures/Structures

Key Issues

From an equal opportunities perspective, challenging organizational cultures and structures involves a critical review of such cultures and structures with a view to changing the gendered nature of their employment practices. The focus is on changing the nature of the organization to make it more suitable for the employment of women, rather than on seeking to have women adapt to existing male-oriented working patterns. This approach focuses on the embeddedness of gender relations in all organizational structures and processes and concludes that isolated policies and changes will have little positive, equal opportunities impact as long as organizational culture remains unaltered.

EU Dimension

The concept of ‘mainstreaming’ as the key principle for work on equal opportunities’ policy had been set out clearly in the Fourth Action Programme on Equal Opportunities¹. Gender mainstreaming is defined as:

‘The systematic integration of the respective situations, priorities and needs of women and men in all policies and with a view to promoting equality between women and men and mobilizing all general policies and measures specifically for the purpose of achieving

¹ European Commission, DG V, *Fourth medium-term Community action programme on equal opportunities for women and men* (1996-2000) (95/593/EC).

² European Commission, Directorate-General for Employment, Industrial Relations and Social Affairs, Unit V/D.5, *One hundred words for equality, A glossary of terms on equality between women and men*, Luxembourg, 1998, p. 29.

equality by actively and openly taking into account, at the planning stage, their effects on the respective situations of women and men in implementation, monitoring and evaluation ...'².

Mainstreaming as the integration of an equal opportunities focus into all stages of the policy cycle involves 'not restricting efforts to promote equality to the implementation of specific measures to help women'³. The promotion of equality 'is a question of promoting long-lasting changes in parental roles, family structures, institutional practices, the organization of work and time' and 'requires measures ... adapting the organization of work to help women as well as men reconcile family and working life'⁴.

As a predominant feature of the labour market is continuing inequality and job segregation between men and women, employment is one of the key areas for equal opportunities: 'access to employment is one of the basic elements necessary for equal opportunities for women, and job structure and conditions of work and pay are important indicators of progress'⁵.

The Progress Report⁶ emphasizes that Articles 2 and 3 of the new Treaty of Amsterdam formalize the commitment to gender mainstreaming. The Guidelines for Member States Employment Policies for 1998 include equal opportunities among the four main pillars of action.

'The social dialogue has been selected as one of the DG V policies for particular attention in connection with this DG's pilot project on gender mainstreaming. The Commission supports equality-relevant social dialogue also at the sectoral level, through studies and conferences.'⁷

Agreements and Provisions

There is much rich evidence of collective agreements addressing in general terms the obstacles to equal opportunities in the cultures and structures of employment organizations. These agreements are not usually aimed specifically at one particular issue, but rather undertake studies and programmes of positive action, establish machinery and set up procedures, and clarify operational principles.

While some of the agreements and provisions described in this chapter overlap with the issues discussed in other chapters, the focus of this chapter is to highlight agreements with an overarching approach whereas in the following chapters agreements or provisions on the specific topics will be analysed.

³ European Commission, Communication from the Commission, *'Incorporating equal opportunities for women and men into all Community policies and activities'*, COM(96) 67 final, 21.2.1996.

⁴ European Commission, Communication from the Commission, *'Incorporating equal opportunities for women and men into all Community policies and activities'*, COM(96) 67 final, 21.2.1996.

⁵ European Commission, Communication from the Commission, *'Incorporating equal opportunities for women and men into all Community policies and activities'*, COM(96) 67 final, 21.2.1996.

⁶ European Commission, Progress report from the Commission on the follow-up of the Communication: *'Incorporating equal opportunities for women and men into all Community policies and activities'* (COM (1998) 122 Final).

⁷ European Commission, Progress report from the Commission on the follow-up of the Communication: *'Incorporating equal opportunities for women and men into all Community policies and activities'* (COM (1998) 122 Final).



The agreements related to organizational structure and culture display three overlapping themes:

- challenging organizational cultures;
- the integration of equal opportunities into human resource policy;
- equal opportunities policies/positive action plans.

Challenging Organizational Cultures

Some collective agreements set out explicitly to challenge existing organizational cultures, while others include such an objective as one of their underlying principles and detail a range of equal opportunities measures designed to give practical application to the principle. One example of this approach is an agreement in the food processing industry in Germany⁸. The underlying principle, which seeks to alter the organizational culture and structure, is made explicit in a comprehensive list of equal opportunities policies which covers all relevant issues. The agreements contain detailed provisions on job access, aimed at eliminating sex segregation at all hierarchical levels and in all occupational areas, measures on the reconciliation of work and family such as parental leave availability and the adaptation of working time arrangements, including, for example, encouragement to fathers in management positions to take up family-work, job sharing or part-time work.

In the UK, a new agreement in a local government authority sought to build on an existing agreement and to correct certain defects, which had become evident, in existing policy⁹. An equal opportunities in employment policy was first adopted by the authority in 1980. In 1994, it was decided that the strategy should be reviewed. The new approach was to move beyond 'tolerating difference' into 'valuing diversity'; because:

'differences in the workforce can actually add value to an organization making it stronger, more flexible and ultimately more competitive ... it makes an explicit connection between the kind of people an organization employs, their level of skill and understanding and the organization's ability to deliver different services to different people'.

Although the targets set in the mid-eighties were exceeded as regards women (target: 53% of workforce; as of October 1994: 62.55%), the target groups were shown to be concentrated in the lower salary bands. The new target was, therefore, to make senior grades more representative. The specific mechanisms to achieve this objective included 'flexible' recruitment and selection procedures, a secondment scheme for individuals in underrepresented groups, a mentoring scheme for non-managerial employees, work-place experience schemes for young people, trainee schemes from target groups, monitoring existing training initiatives and review of monitoring mechanisms. The Council's policy declares that the power of 'valuing diversity' is 'the way in which it offers the victims of discrimination dignity rather than charity ...'.

⁸ Germany, p. 5: Wilhelm Weber GmbH.

⁹ UK, paras. 152-154: London Borough of Camden.

An equal opportunities initiative, in the form of an 'equality audit', was targeted explicitly at 'organizational culture' in the London fire and civil defence service in the UK¹⁰. The focus of the 'equality audit' was the operational or 'uniformed' service, the 'organizational culture' of which was said to have as a defining feature, an unsatisfactory relationship between male and female employees, which had a significant negative impact on the organization as a whole. The approach adopted was modelled on the principle applied in health and safety audits, ie, risk assessment. This involves identifying the areas of risk, assessing the degree of risk, and taking appropriate action.

The implementation of the audit involved an investigation of the facts: existing policies and procedures, patterns and trends in recruitment and selection, retention, promotion, grievance and discipline, training and development, promotion and career development. A survey of workforce opinions was undertaken, in which trade unions were involved. Analysis focused on issues of organizational and cultural change and the management of equality. The exercise was criticised by some at the time as being a peripheral activity, not linked into broader planning processes, with the trade unions not sufficiently involved as active partners. Despite the criticism, the outcome of the audit was the formal adoption of an agreement aimed at embedding the programme for equality in a broader programme aimed at widespread cultural change, *Action for Quality*, in partnership with the trade unions representing staff.

A similarly generalized, but more concrete approach, has been adopted in Sweden. This took the form of central cooperation agreements, a new form of agreement, replacing earlier separate agreements on, eg, codetermination, health and safety, and equal opportunities. Cooperation agreements stress development and efficiency as goals, but also provide for good working environments and stimulating and enriching work. Equal opportunities feature either explicitly or implicitly. Equal opportunities are not the exclusive objective of such agreements but are seen as a central operational principle informing policies in all areas (mainstreaming)¹¹.

An example is the agreement in the pulp and paper industry, a highly male-dominated industry¹². This replaces earlier agreements, including an equal opportunities agreement. It stipulates rules for local cooperation: a decentralized decision-making process involving companies and trade unions. The agreement has five sections: objectives, general starting points, guidelines, negotiating procedure and duration. It covers seven areas, of which equal opportunities is one. But as well as this separate area, equal opportunities is also referred to in the sections on objectives, general starting points, and in two other areas: working environment and work organization, and skills development and training.

For example, the provisions in the section on working environment and work organization are to be such as to provide conditions for equal opportunities for women and men. Skills development and training are to be assessed from an equal opportunities viewpoint. Similarly with

¹⁰ UK, paras. 143-151: London Fire and Civil Defence Authority (LFCDA).

¹¹ Sweden, p. 21: Central cooperation agreements.

¹² Sweden, pp. 22-24: The pulp and paper industry.



recruitment. There is to be targeted training, with the aim of ending the uneven balance of women and men in certain occupations. In the section devoted to equal opportunities itself, discrimination is said to be due to attitudes and prejudice, and ways are proposed to address this, including positive discrimination. Special treatment is not considered discrimination.

Another example is the equal opportunities agreement for local authorities in Sweden¹³. In this agreement, equal opportunities is seen as a strategic issue in restructuring local government. Sex segregation and the equal distribution of job opportunities is ‘an important question in terms of democracy, power and efficiency’ and, at managerial level, is also regarded as relevant to the quality of decision making.

In a word, this is mainstreaming: equal opportunities are not hived off for separate consideration, or deemed relevant only in a special section of the agreement. It is a central operational principle for all relevant policy areas of the agreement.

A collective agreement covering a number of government institutions in Spain set up a committee with a majority of women (minimum of 60%) with various responsibilities (eg, to examine company rules; ensure women's participation in all activities); the right to participate in defining the conditions governing job access and promotion and job evaluation; and the right to be involved in determining working conditions (eg, health and safety at work)¹⁴.

An equal opportunities plan in a Federal Ministry in Austria challenges organizational norms as regards the balance between professional and family work, emphasizing men's responsibilities for family work. It also questioned existing working time cultures. It declared, as one of its objectives¹⁵:

‘to offset existing discrimination resulting from the division of labour by society and to improve the prerequisites for reconciling family responsibilities with career interests ...

... to open up new avenues of cooperation between women and men in the workplace ... measures which shall be equally available to men, who increasingly wish to take their share of family responsibilities’.

The measures providing for reconciliation of work and family life included meetings in core-time so part-timers and childcarers can attend; work scheduled so as to be completed in normal hours of work; if overtime is required, account to be taken of childcare responsibilities; encouraging part-time work; part-timers’ entitlement to training, and encouraging the acceptability of unpaid parental leave for men.

¹³ Sweden, p. 26: Equal opportunities policy for local authorities and county councils, 1994.

¹⁴ Spain, p. 23: Collective agreement covering the Ministerio de Trabajo y Seguridad Social [Ministry of Labour and Social Security], Fondo de garantía Salarial [FOGASA – Wages Guarantee Fund], Instituto Nacional de Empleo [INEM – National Institute of Employment] and Instituto Nacional de Fomento de la Economía Social [INFES – National Institute for the Promotion of the Social Economy].

¹⁵ Austria, p. 30: Plan for the advancement of women in the Federal Ministry of Employment and Social Affairs.

An equality plan in the paper manufacturing sector in Finland sought to improve working conditions¹⁶:

‘In investigations relating to working conditions and individual jobs, attention will be paid to those factors which hamper conditions for female employees in any given job and there will be an attempt to minimize possible problems. In planning new facilities for staff, attention will be paid to the suitability of the facilities for both sexes’.

Equal Opportunities Integrated in Human Resource Policy

In Belgium, a sectoral agreement in the food-processing industry set up a working group to develop principles and recommendations for positive action in the enterprises covered (Article 14). Two studies were completed. Of 141 enterprises contacted, 77 cooperated. The reports of the studies, along with conclusions, were published in 1995. They indicated that there was a need for a greater understanding of the role of positive action measures in achieving equal opportunities objectives. Initiatives proposed to the social partners and enterprises included the integration of equal opportunities into personnel policy; the preparation of an annual report on equal pay; the organization of a survey of employees’ grievances concerning work; the organization of a job classification scheme, especially for small and medium enterprises; a discussion of working-time redistribution; and the organization of training on positive action¹⁷.

The German Frankfurt Airport agreement, self-declared as an equal opportunities agreement for the promotion of women and family, treats equal opportunities as an integral element of human resources development, with the emphasis on training. It includes provisions on the family/work interface, including career breaks; on working time, including part-time and flexible working hours; on job access/sex segregation, including the promotion of women, a promotion pool for female staff, a policy on advertisements, selection procedures, and special training; and a programme to sensitize organizational culture and structures to equal opportunities. The agreement is to be implemented through an active information policy and the creation of a special commission to ensure its implementation¹⁸. The agreement is regarded as exceptional in that it is perceived both as good human resource management and as cooperative industrial relations.

The agreement covering ground staff at Lufthansa states its intention to ‘harmonize our operational requirements with the social demands ... of staff’. It emphasizes that ‘suitability for management is not a question of gender’ and ‘supports ... coordinating family and work’. The company ‘recognizes the professional work of both partners as an important form of social reality’ and that ‘coordination of work and family is just as much a matter for men as for women’¹⁹.

¹⁶ Finland, p. 18: The Metsa-Serla Oy equality plan for its plants at Aankoski.

¹⁷ Belgium, p. 17: CCT relatives aux actions positives pour les employés de l’industrie alimentaire, 1993. It was observed that, to date, nothing concrete had been done.

¹⁸ Germany, p. 2: Airport Frankfurt, plant agreement, 1990.

¹⁹ Germany, p. 32: Lufthansa, plant agreement for ground staff, 1995.



It includes provisions on the family/work interface, designed to support mothers and fathers in coordinating work and family, with management positions being specifically included. Provisions on working time are to ensure that the family situation is taken into account, and acknowledges that this may imply the reduction of collectively agreed working time. Close attention is paid to problems of job access/sex segregation. Vacancies for technical and management posts are to be such as to attract women and are to be drafted in a way that women and men respond equally. Selection procedures should accept that obstacles in work organization to the employment of women could be eliminated. Special training for women is to be provided in relation to jobs for which they rarely apply, and they are to be given preference for jobs in which they are underrepresented. There is to be guaranteed equal access to training and further education. In the case of management trainees, particular attention should be paid to women with potential. With respect to the organization's culture and structure, there are provisions on sexual harassment, with the responsibility for their implementation placed on supervisors, with special attention paid to risks linked to working times and places. Finally, to secure implementation, a special representative for equal opportunities is to be appointed, and continual monitoring of the effectiveness of equal opportunities' policies is to be put in place.

The exceptional qualities of this agreement are that it covers a privatized company, the extensive range of topics covered, its focus on equal opportunities as a critical element of human resource policy, and its provisions for detailed implementation.

In France, an 'equality agreement' in a credit institution sought to improve job access for women and to reduce sex segregation, particularly in management posts. The agreement was distinguished by parity representation at all stages. This was because equality was considered part of general management strategy; methods to achieve it were to ensure awareness and respect. The agreement set up two structures to achieve the objectives. First, a plenary equality commission representing different occupations, trade unions and management. This meets at least once a year to review progress and prepare fresh proposals. Secondly, a smaller commission comprising four management and three employee representatives, the latter appointed by the trade unions. This meets as frequently as necessary to ensure implementation of the agreement²⁰.

In the UK, in 1992, the office of the Minister for the Civil Service issued a Programme for action to achieve equality of opportunity for women in the Civil Service²¹. The programme has the support of the Council of Civil Service Unions (CCSU). Some of the more innovative requirements affecting 'organizational culture' included ensuring that line managers are aware of the contribution they are expected to make to implementing the policy and the requirement that they build measurable objectives into their annual plans to make them accountable for getting results. To demonstrate commitment, women were encouraged to set up and participate in conferences, seminars etc., arranged to consider issues of particular relevance to them. Provision was made for the appointment and training of sexual harassment contact officers (SHCOs), both men and women, to advise staff.

²⁰ France, p. 24: Mutualité sociale agricole de Finistère, 1991: accord d'égalité.

²¹ UK, paras. 163-166: Civil Service.

Equal Opportunities Policies/Positive Action Plans

In Ireland, a supermarket chain concluded an employment equality agreement, whose implementation includes a training programme for all managers and senior managers organized and run by the Equality Officer of the Irish Congress of Trade Unions and an Equality Officer of the Labour Court²². A major theme of the training programme dealt with the issue: 'How to improve the position of female staff in the company'.

In Ireland, Guidelines for the Irish Civil Service emerged following the publication in July 1986 of an Equal Opportunities Policy²³. The implementation of these principles is a matter for the Equality Section of the Department of Finance and the Personnel Officer in each Department. A joint management/union sub-committee established in 1987 meets approximately once a month for the purpose of monitoring the general implementation of equality policy.

In Denmark, framework agreements between the social partners ensure that work can be done on equal opportunities in individual firms. They are followed by guidelines or conceptual models offering employers and workers' representatives in enterprises and establishments concrete ways of implementing equal opportunities and structuring work on equal opportunities.

An example, at the highest level, is the interprofessional Equal Treatment Agreement, concluded as a supplement to the Cooperation Agreement²⁴. This was the first such agreement which establishes cooperation committees with employees and management representatives. These committees are to develop principles, including, now, equal opportunities principles.

The agreement lists areas of equal opportunities designated as important which firms are to develop: job access, conditions of work, distribution of occupations, compatibility with parental role, sexual harassment and so on. The agreement sets out a framework for equal opportunities work; it does not specify measures. It ensures that the cooperation committees direct their attention to equal opportunities; ie, it places it on the agenda and promotes local solutions which are adapted to the firm.

One objection made is that it only sets out a framework, and therefore everything depends on the committees' willingness and commitment to act. However, as a follow up, equal opportunities guidelines and models have been published. A pamphlet issued by the employers and trade union confederations (DA and LO) specifies that there should be a factual survey, the setting of objectives and an action plan. The trade union confederation also published a 'concept' to assist employees' representatives to devise ideas and methods.

In sum, there are two features of the Danish collective bargaining process which add to its value as an instrument of equal opportunities policy. First, the equal opportunities agreement is part of

²² Ireland, p. 35: Superquinn.

²³ Ireland, p. 9: Irish Civil Service.

²⁴ Denmark, pp. 2-4: The Cooperation Board, Danish Confederation of Trade Unions and Danish Employers' Confederation: Agreement on Equal Treatment, March 1991.



a broader cooperation agreement structure. Secondly, it is a framework agreement, with provision for detailed follow up in the form of both bipartite guidelines and, from each side, an operationalizing 'concept'.

This interprofessional agreement in Denmark is supported by a number of more sector specific framework agreements. In the public services, there is another Agreement on Equal Treatment²⁵. This was the first equal opportunities agreement for the State and consisted of a supplement to the cooperation agreement for the State. It imposes a special obligation on the public services to implement equal opportunities measures.

Similar action was taken in local government, which is also subject to a special public sector obligation to promote equal treatment, and was again seen as a task for cooperation committees²⁶. In 1990, the Central Cooperation Board issued a pamphlet to provide ideas and support for local work on equal opportunities, with a specific reference to how family patterns influence equal treatment at work. There is a legal obligation on local authorities to report publicly on the equal opportunities situation at least every two years.

A final example from Denmark, is the agreement in the financial sector²⁷. The social partners in this sector produced Guidelines and a pamphlet, the first of their kind. The Guidelines require that management inform the committee on matters relevant to equal treatment, and, conversely, the members of committee must keep the management informed of employees' reactions to equal opportunities initiatives. Disputes are dealt with in the committee. The pamphlet is an action guide to the committee on how to carry out a factual survey, undertake analysis, set objectives, develop methods, put appropriate organization in place and evaluate results. Again, it was reported that the Guidelines were very general and much depends on the work of individual committees; hence, it was very important that they were followed up by the pamphlet.

In Sweden local agreements usually relate to central agreements on equal opportunities²⁸. The possibility exists of local agreements being made more specific, but this is reported to be exceptional: the first agreement often has 'a major standardizing effect'²⁹. Two examples of agreements are the major interprofessional agreements.

The agreement covering the public sector, where the State is the employer, was concluded as early as 1978³⁰. It has had a standardizing effect, especially for the local government sector. While it was primarily concerned with codetermination, there was a section on equal opportunities. The employer is to draw up an equal opportunities plan each year, and to see that measures are specified in accordance with guidelines provided in the collective agreement. Both long-term objectives and concrete measures are to be stated, including time-scale, scope and the

²⁵ Denmark, p. 5: For the enterprises and institutions of the State: Agreement on Equal Treatment, 1993.

²⁶ Denmark, pp. 6-7: The Local Government Cooperation Board: Equal status – a task for cooperation committees.

²⁷ Denmark, pp. 8-9: The Joint Council, Association of Employers in the Financial Sector and Financial Confederation: Guidelines on ET and Pamphlet on ET, 1993-1994.

²⁸ See the Report on Sweden, section 6.1.

²⁹ Sweden, pp. 4-6.

³⁰ Sweden, pp. 18-19: MBA-S, equal opportunities agreement in the public sector.

estimated costs. For example, the chance to promote equal opportunities through normal and inevitable changes in the workforce, such as rationalization or staff mobility, should be exploited. When planning staff training, the need for childcare should be taken into account. When recruiting, care should be taken to ensure that there are candidates of both sexes to choose between, if possible, within the framework of proper selection criteria.

Similarly, the private sector interprofessional agreement provides for equal opportunities activity to be planned and target-oriented³¹. Conditions are to be studied in a joint survey and measures are to be regularly assessed. There is reference to a development agreement with opportunities for job changes, rotation etc., with the aim of changing the uneven sex distribution in some occupations. Disputes can be referred to the Arbitration Court for the Development Agreement. This agreement is more precise than previous agreements. For example, it specifies targeted advertising, requires differentiated working conditions (changing rooms, technical aids), and information and training for managerial staff to increase equal opportunities. On the whole, however, it is objective-oriented, rather than imposing concrete requirements. An example of the effect it had is the agreement in the engineering sector, which copies out the SAF-LO/PTK agreement almost word for word, except that developments are to be monitored by the parties' own board³².

In Spain, the agreement covering the chemicals sector included measures to guarantee equal opportunities with regards to job access and promotions³³. This provided for trade union monitoring of recruitment and promotion, as the following provisions show: (Articles 11, 17)

'The employer shall notify workers' representatives of any post or posts he is considering filling, the conditions that candidates need to fulfil and the nature of the selection tests to be conducted. Workers' representatives shall ensure that the selection process is objective and that there is no discrimination against women as regards joining the workforce'.

'The evaluation system (for promotion) designed by management shall be submitted for the approval of workers' representatives.

Workers' representatives (2) shall sit on the competition/examination panel and shall have the right to give their opinion but not to vote. Similarly, any reservations they might have shall be duly minuted.

In applying the provisions of this article, the equal right of all workers to promotion shall be respected, without any discrimination on grounds of age or gender'.

There was also a provision setting up a joint committee to study any inequalities on the grounds of gender 'that may affect women workers in the chemicals industry'.

³¹ Sweden, p. 20: The 1983 equal opportunities agreement between SAF and LO/PTK.

³² Sweden, p. 21.

³³ Spain, p. 28: Xth collective agreement covering the chemicals industry, 1995.



In the automobile manufacturing sector in the UK, at the end of 1988, a joint statement of equal opportunity was signed by a company and its trade unions representing salaried and hourly-paid employees. It contained monitoring and review arrangements including regular examination of progress towards equal opportunities and the development of local initiatives. To this end, local management and trade unions are expected to set up appropriate joint bodies at plant or equivalent level³⁴.

In Italy, an enterprise agreement in the retail sector adopted a positive action plan which included the establishment of a round table of representatives of labour and management and the Equal Opportunities Committee to examine proposals from external experts and the Committee on the implementation of the programme of positive action³⁵.

In Greece, it was reported that equal opportunities falls mainly within the context of the 1993 interprofessional national collective agreement³⁶. This agreement contains a section on inequality between sexes, and provides a blueprint for sectoral and single occupational agreements on a range of equal opportunities topics. It established, for the first time, a committee on sex equality, a major institutional achievement. If this is generalized and taken up by equal opportunities committees at sectoral level, it will produce negotiations on positive action. Examples have already appeared.

The collective agreement for the banking sector of 1994 was the first to introduce equal opportunities committees. A bilateral sectoral committee on equal opportunities was set up in a sector with a high proportion of women (38%)³⁷. Similarly, the 1996 collective agreement for employees in the private sector insurance industry proposed, for the first time, the establishment of equal opportunities committees at sectoral and company level³⁸.

In Ireland, under an interprofessional agreement, a system of gender proofing has been introduced into every memorandum for Government³⁹. The strategy is to establish gender balance in the membership of boards of state sponsored bodies with the objective that no one sex should hold more than 60% of places on any one board.

In Austria, an agreement covering probation and social work prescribed equality in the use of language⁴⁰. A footnote stated that all designations would be solely in the female form; male readers were asked for understanding.

In Italy, an agreement covering social work aimed to combat invisible discrimination created by 'neutral' language⁴¹. The entire agreement was re-written in 'non-sexist' language. The Italian

³⁴ UK, paras. 172-175: Ford Motor Company.

³⁵ Italy, p. 13: CCNL: Accordo aziendale Coop Estense.

³⁶ Greece, p. 14: The 1993 national general collective agreement.

³⁷ Greece, p. 22: The 1994 collective labour agreement for banks.

³⁸ Greece, p. 33.

³⁹ Ireland, pp. 5-7: Programme for social and economic progress (1990-1993).

⁴⁰ Austria, p. 18: Company agreement concluded by the 'Verein für Bewährungshilfe und Soziale Arbeit' (Association for probation and social work).

⁴¹ Italy, p. 11: CCNL: per le lavoratrici ed i lavoratori dipendenti dell'ANFAS.

language does not use the neuter, but rather the masculine to indicate mixed sex groups, jobs and a series of other functions. The previous text used expressions and forms implying that women's relationship to work was marginal. The adoption of non-sexist language highlights the need for an equality perspective. The agreement did not simply adopt a double reference, masculine and feminine. Rather, it reformulated the language regarding working, organizational and management activities to highlight, where relevant, the presence and needs of the female labour force.

In Portugal, an agreement in the banking sector extends to the Women's Trade Union Action Group on Equal Opportunities the general protection granted to trade union representatives (eg, they are allowed to pursue their activities in companies, are given the amount of time necessary, have the right to be excluded from shift work, and are guaranteed time spent on equality activities is to count towards seniority)⁴².

Summary

The topics covered in the selected agreements range from challenging organizational cultures and work organizations, to the integration of equal opportunities policy within human resource management strategies, to equal opportunities policies and positive action plans. Agreements have been negotiated in countries from all regions within the EU and across all organizational sectors, both public and private. However, the bulk of the agreements come from the public services. Agreements have been concluded at all levels of bargaining from the interprofessional to enterprise level. They offer interesting examples and models.

Challenging organizational structures and cultures is the most far reaching equal opportunities strategy currently available. Agreements which integrate equal opportunities policies into human resource plans generally focus on issues such as recruitment, promotion or training but can also include measures on the reconciliation of work and family. An approach which deals with equal opportunities as an integral element of human resource planning can be more effective than stand-alone equality plans, as such an integrated approach eliminates the necessity of having to devise procedures to link equality plans into existing structure within the organization. Specific policies on equal opportunities, accompanied by positive action plans, are crucial for developing awareness but can often fail in practice unless appropriate implementation measures are devised and committees for monitoring the process are established.

The measures negotiated in the agreements reviewed are often multi-dimensional and can include complex and detailed implementation programmes. An essential element would appear to be joint committees which are responsible for initiating surveys and developing policies and/or guidelines.

⁴² Portugal, p. 62: ACT for the banking sector, 1990; Clauses 27, 59, 150.

Table 1. *Selected agreements and provisions on organizational cultures/structure*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Challenging organisational culture</i>					
organizational culture • EO strategy • job access/sex segregation • reconciliation of work and family	<ul style="list-style-type: none"> • underlying principle aims at altering the organizational culture and structure • comprehensive list of EO policies covering all issues in detail • detailed measures on job access focused on eliminating sex segregation at all hierarchical levels and all occupational fields • measures on reconciliation of work and family such as parental leave arrangements and adaptation of working-time arrangements, including, for example • the encouragement of fathers to take up family work • job sharing or part-time work in management positions 	Germany	food processing	enterprise	Wilhelm Weber GmbH
organizational culture • EO strategy • job access	<ul style="list-style-type: none"> • policy aimed at the authority's organizational culture which had revealed certain defects • the strategy underlying the equal opportunities policy had been reviewed • new approach: moving beyond 'tolerating difference' into 'valuing diversity' • new targets and instruments: • making senior grades more representative • 'flexible' recruitment and selection procedures • secondment scheme 	UK	local government	local	London Borough of Camden

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • mentoring scheme • workplace experience scheme • trainee scheme • training initiatives 				
organizational culture • ‘equality audit’	<ul style="list-style-type: none"> • targeted explicitly at ‘organizational culture’ • focus of the ‘equality audit’: operational or ‘uniformed’ service • adopted approach was modelled on the principle applied in health and safety audits: risk assessment • investigation of the facts: existing policies and procedures, patterns and trends in recruitment and selection, retention, promotion, grievance and discipline, training and development, promotion and career development • survey of workforce opinions in which trade unions were involved • focus on issues of organizational and cultural change and the management of equality 	UK	fire and civil defence service	local	London Fire and Civil Defence Authority (LFCDA)
organizational culture • equal opportunities • mainstreaming	<ul style="list-style-type: none"> • equal opportunities is a strategic issue regarding all aspects of the organization • equal opportunities is a central operational principle for all relevant policy areas of the agreement (‘mainstreaming’) 	Sweden	central cooperation agreements	national	Central cooperation agreements

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
organizational culture • equal opportunities • mainstreaming	<ul style="list-style-type: none"> • stipulation of rules for local cooperation: a decentralized decision-making process involving companies and trade unions • the agreement has five sections: objectives, general starting points, guidelines, negotiating procedure and duration • equal opportunities is one of seven areas covered by the agreement • equal opportunities is also referred to in the sections on objectives, general starting points, and in two other areas: working environment and work organization, and skills development and training 	Sweden	pulp and paper industry	sectoral	The pulp and paper industry
organizational culture • equal opportunities • mainstreaming	<ul style="list-style-type: none"> • equal opportunities is seen as a strategic issue in restructuring local government • sex segregation and equal distribution of job opportunities is ‘an important question in terms of democracy, power and efficiency’ and at managerial level also as a quality issue in relation to decision making 	Sweden	local authorities	local	Local authorities and county councils
organizational culture • committee • company rules • working conditions	<ul style="list-style-type: none"> • committee including a majority of women (minimum of 60%) with various functions for example: <ul style="list-style-type: none"> • to examine company rules • ensure women's participation in all activities 	Spain	government institutions	sectoral	Ministerio de Trabajo y Seguridad Social [Ministry of Labour and Social Security], Fondo de garantia Salarial [FOGASA –

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • right to participate in defining the conditions governing job access and promotion, job evaluation • involvement in determining working conditions 				Wages Guarantee Fund], Instituto Nacional de Empleo [INEM – National Institute of Employment] and Instituto Nacional de Fomento de la Economía Social [INFES – National Institute for the Promotion of the Social Economy]
organizational culture <ul style="list-style-type: none"> • reconciliation of work and family • working time cultures • encouraging fathers for family work 	<ul style="list-style-type: none"> • reconciliation of work and family • emphasizing men's share in these tasks • questioning working time cultures • included meetings in core-time so part-timers and childcarers can attend • work scheduled so as to be completed in normal hours of work • if overtime is required, account to be taken of childcare responsibilities • encouraging part-time work • part-timers' entitlement to training • encouraging the acceptability of unpaid parental leave for men 	Austria	public sector	local	Federal Ministry of Employment and Social Affairs
working conditions	<ul style="list-style-type: none"> • attention to those factors which hamper conditions for female employees in any given job 	Finland	paper manufacturing sector	enterprise	The Metsa-Serla Oy equality plan for its plants at Aankoski

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • attempt to minimize possible problems • attention to the suitability of facilities for both sexes 				
<i>Equal opportunities integrated in human resource policy</i>					
positive action studies and programme <ul style="list-style-type: none"> • working group • positive action • studies/reports • surveys • personnel policy 	<ul style="list-style-type: none"> • establishment of a working group to develop principles and recommendations for positive action in the enterprises covered • reports on two studies presenting conclusions and indicating the need for sensitivity towards positive action • proposals: <ul style="list-style-type: none"> • integration of equal opportunities with personnel policy • preparation of an annual report on equal pay • survey of employees' grievances concerning work • classification of tasks, especially in small and medium enterprises • discussion on redistribution of working time • training on positive action. 	Belgium	food processing industry	sectoral	CCT relatives aux actions positives pour les employés de l'industrie alimentaire
organizational culture <ul style="list-style-type: none"> • range of topics • recruitment • promotion/career development 	<ul style="list-style-type: none"> • equal opportunities are seen as an integral element of human resource development, with emphasis on training • policy on advertisements, selection procedures, promotion of women, promotion pool for female staff, special training 	Germany	transport industry	enterprise	Airport Frankfurt AG

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<ul style="list-style-type: none"> • parental leave • flexible working time organization • implementation of EO plan 	<ul style="list-style-type: none"> • programme concerned to sensitize organizational culture and structures to equal opportunities • active information policy • creation of a special commission 				
<ul style="list-style-type: none"> organizational culture • range of topics • job access • promotion • training • reconciliation of work and family • special representative for equal opportunities 	<ul style="list-style-type: none"> • equal opportunities as an element of human resource development • ‘suitability for management is not a question of gender’ • attention to problems of job access/sex segregation • advertisements of vacancies aim to attract women to technical and management posts • advertisements drafted in such a way that women and men respond equally • elimination of obstacles in work organization • provision for training for women in the case of jobs where women apply more rarely • preference for women in fields where they are underrepresented • guarantee of equal access to training and further education • in the case of management trainees, particular attention should be paid to women with potential 	Germany	transport industry	enterprise	Lufthansa, company agreement for ground staff

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • provisions on sexual harassment, with the responsibility for implementation placed on supervisors and special attention paid to risks linked to working times and places • special representative for equal opportunities to secure implementation and continual analysis of equal opportunities 				
organizational culture • job access • commissions	<ul style="list-style-type: none"> • equality is considered part of general management strategy • aimed at improving job access for women and reducing sex segregation, particularly in management posts • the agreement was distinguished by parity representation at all stages • methods to achieve it were to ensure awareness and respect • the agreement set up two structures to achieve the objectives • plenary equality commission representing different occupations, trade unions and management, meeting at least once a year to review progress and prepare proposals 	France	credit institution	enterprise	Mutualité sociale agricole de Finistère

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> a smaller commission comprising four management representatives and three from the employees, appointed by the trade unions, meeting as frequently as necessary to implement the plan 				
organizational culture • line managers • encouragement of women • sexual harassment	<ul style="list-style-type: none"> innovative requirements affecting 'organizational culture' ensuring that line managers are aware of the contribution they are expected to make to implementing the policy and build measurable objectives into their annual plans to make them accountable for getting results encouragement to women to set up and participate in conferences, seminars etc., arranged to consider issues of particular relevance to them provision for the appointment and training of sexual harassment contact officers (SHCOs), both men and women, to advise staff 	UK	civil service	sectoral	Civil Service
<i>Equal opportunities policies/positive action plans</i>					
positive action programme • training programme for managers	<ul style="list-style-type: none"> implementation of an employment equality agreement training programme for all managers and senior managers organized and run by the equality officer of the Irish Congress of Trade Unions and an equality officer of the Labour Court 	Ireland	supermarket chain	enterprise	Superquinn

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
equal opportunities policy <ul style="list-style-type: none"> • guidelines • joint union-management subcommittee 	<ul style="list-style-type: none"> • guidelines for equal opportunities policy • implementation of these principles is a matter for the equality section and the personnel officer in each department • establishment of a joint union-management subcommittee meeting approximately once a month monitoring the general implementation of the guidelines 	Ireland	civil service	sectoral	Irish Civil Service
equal opportunities policy <ul style="list-style-type: none"> • conceptual models • inclusion of all topics of EO • survey 	<ul style="list-style-type: none"> • equal opportunities in individual firms • agreement sets out a framework for equal opportunities work; it does not specify measures • areas of equal opportunities designated as important: job access, conditions of work, distribution of occupations, compatibility with parental role, sexual harassment • factual survey setting of objectives and an action plan 	Denmark	interprofessional	national	The Cooperation Board, Danish Confederation of Trade Unions and Danish Employers' Confederation
equal opportunities	<ul style="list-style-type: none"> • equal opportunities agreement for the State • consisted of a supplement to the cooperation agreement for the State • it imposes a special obligation in public service to implement equal opportunities and special measures 	Denmark	public services	sectoral	Enterprises and institutions of the State

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
equal opportunities	subject to a special public sector obligation to promote equal treatment	Denmark	local government	local	The Local Government Cooperation Board
equal opportunities • guidelines • pamphlet	<ul style="list-style-type: none"> • guidelines: require that management inform the committee on matters relevant to equal treatment and, conversely, the members of committee must keep the management informed of employees' reactions to equal opportunities • any disputes are dealt with in the committee • pamphlet is a guide to the committee on how to implement an action plan: factual survey, analysis, objectives, means, organization and evaluation 	Denmark	financial sector	sectoral	The Joint Council, Association of Employers in the Financial Sector and Financial Confederation: Guidelines on ET and Pamphlet on ET
• EO plan • guidelines	<ul style="list-style-type: none"> • drawing up of an equal opportunities plan each year • specification of measures in accordance with guidelines provided in the collective agreement • statement of both long-term objectives and concrete measures, including timescale, scope and the estimated costs • planning staff training: the need for childcare should be taken into account • recruiting: gender balance of candidates and framework of proper selection criteria 	Sweden	local government sector	sectoral	MBA-S, Equal opportunities agreement in the public sector
• EO plan • survey	• agreement provides for equal opportunities activity to be planned and target-oriented	Sweden	private sector	interprofessional	SAF and LO/PTK

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • studying conditions in a joint survey • regular assessment of measures • There is reference to a development agreement with opportunities for job changes, rotation etc., with the aim of changing the uneven sex distribution in some occupations • specification of <ul style="list-style-type: none"> • targeted advertising • requirement of differentiated working conditions (changing rooms, technical aids) • information and training for managerial staff to increase equal opportunities 				
equal opportunities plan	<ul style="list-style-type: none"> • similar to the SAF-LO/PTK agreement, except that developments are to be monitored by the parties' own board 	Sweden	engineering	sectoral	Sweden, p. 21
equal opportunities <ul style="list-style-type: none"> • job access/ recruitment • promotion • joint committee 	<ul style="list-style-type: none"> • measures to guarantee equal opportunities as regards job access and promotions • provided for trade union monitoring of recruitment and promotion • a joint committee to study any inequalities on the grounds of gender 	Spain	chemical industry	sectoral	Xth collective agreement covering the chemicals industry
	<ul style="list-style-type: none"> • a joint statement of equal opportunity • monitoring and review arrangements including regular examination of progress towards equal opportunities and the development of local initiatives 	UK	automobile manufacturing	enterprise	Ford Motor Company

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> local management and trade unions are expected to set up appropriate joint bodies at plant or equivalent level 				
positive action plan	<ul style="list-style-type: none"> establishment of a round table of representatives of labour and management and the Equal Opportunities Committee examination of proposals from external experts and the committee on the implementation of the programme of positive action 	Italy	retail sector	enterprise	CCNL: Accordo aziendale Coop Estense
<ul style="list-style-type: none"> gender inequality equal opportunities policies 	<ul style="list-style-type: none"> a section on inequality between sexes in the interprofessional national collective agreement provides a blueprint for sectoral and single occupational agreements on a range of equal opportunities topics it established for the first time a committee on sex equality: a major institutional achievement 	Greece	interprofessional	national	National general collective agreement
<ul style="list-style-type: none"> equal opportunities policies equal opportunities committee 	establishment of bilateral sectoral committee	Greece	banking sector	sectoral	Greece, p. 15
<ul style="list-style-type: none"> equal opportunities policies equal opportunities committee 	proposal to establish bilateral sectoral committee	Greece	insurance industry	sectoral	Greece, p. 23

Table 1 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
gender-proofing of memorandums	<ul style="list-style-type: none"> introduction of a system of gender proofing into every memorandum for government strategy: establishing gender balance in the membership of boards of state sponsored bodies with the objective that no one sex should hold more than 60% of places on any one board 	Ireland	interprofessional	national	Programme for social and economic progress (1990-1993)
use of language	<ul style="list-style-type: none"> a footnote states that all designations would be solely in the female form; male readers are asked for understanding 	Austria	probation and social work	enterprise	'Verein fur Bewahrungshilfe und Soziale Arbeit' (Association for probation and social work)
use of language	<ul style="list-style-type: none"> combat invisible discrimination created by 'neutral' language The entire agreement was re-written in 'non-sexist' language. The agreement did not simply adopt a double reference: masculine and feminine. Rather, it reformulated the language regarding working, organizational and management activities to highlight, where relevant, the presence and needs of the female labour force 	Italy	social work	sectoral	CCNL: per le lavoratrici ed i lavoratori dipendenti dell'ANFAS
use of language	<ul style="list-style-type: none"> gender neutral language 	Ireland	health service	local	Midland and Mid-Western Health Boards
extension of general protection granted to trade union representatives	<ul style="list-style-type: none"> extension of the general protection granted to trade union representatives to the Women's Trade Union Action Group on Equal Opportunities 	Portugal	banking sector	sectoral	ACT for the banking sector




Chapter 2



Job Access/Sex Segregation

Key Issues

Redressing the gendered structure of work or occupational segregation (ie, segregation of women and men into different kinds of work and hierarchical levels) is one of the main focuses of equal opportunities policies. Equal opportunities strategies seek to address the imbalance of gendered job structures. In particular, approaches aimed at breaking down sex segregation demand a ‘mainstreaming’ of gender considerations into all long-termed policies and programmes.

In the context of job access, agreements dealing with women's advancement and equal opportunities as an integral element of human resource strategies are more promising than approaches which make women's advancement an issue of justice or an isolated ‘investment’ in human capital.

Human resource development plans which aim at the advancement of women demand a continuous monitoring of the proportions of men and women in departments, fields of activity or management positions, a fixing of objectives and targets/quotas and the development of measures aimed at eliminating sex segregation from access to jobs and to advancement in jobs.

Agreements which address the issue of women's access to jobs and the problem of sex segregation (horizontal and vertical) in the workforce focus on three, often overlapping broad aspects: recruitment, promotion and training.

Measures and procedures on recruitment involve either an obligation to give equal consideration to women and men or else to give preferential treatment to women in advertising, selection procedures and the filling of vacancies.

Agreement provisions on promotion range from the commissioning of studies and reports on the sex composition of the workforce, to the identification of obstacles to promotion, as well as the identification of career paths which offer favourable access to higher posts. Such provisions are the basis for the setting of targets to achieve, in the long-term, an equal balance of the sexes at all hierarchical levels and, in the short-term, specific percentages of female employees in selected departments, groups of positions, in management or in non-traditional fields. The majority of provisions allow for measures to promote women, along with mechanisms to monitor promotion procedures.

The reported agreements on training for women to further their careers include provisions guaranteeing equal access to training and work experience for both women and men, special training programmes for women in non-traditional fields or training programmes designed to assist with the desegregation of management positions.

Special arrangements for male or female part-time staff or employees with child or family care responsibilities are intended to assist in the reconciliation of training and family life.

EU Dimension

The purpose of the Equal Treatment Directive¹ is to put into effect the principle of equal treatment for women and men with regard to access to employment (including promotion and vocational training) and to working conditions (Art. 1). The principle of equal treatment aims at avoiding discrimination ‘on grounds of sex in the conditions, including selection criteria, for access to all jobs or posts, whatever the sector or branch of activity, and to all levels of the occupational hierarchy’ (Art. 3).

Article 141 (ex. Art. 119) of the Amsterdam Treaty provides that ‘measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation’ will be adopted.

According to the Guidelines for Member States Employment Policies for 1998² adopted by the European Commission, Member States ‘should pay attention to the imbalance in the representation of women or men in certain economic sectors and occupations’ and ‘act to reverse the under representation of women in certain economic sectors and occupations and their over representation in others.’

¹ Council Directive of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (76/207/EEC).

² <http://europa.eu.int/en/comm/dgo5/elm/summit/en/papers/guide2.htm>



The new directive on the burden of proof in cases of discrimination based on sex³ extends the principle of equal treatment in Art. 2: ‘... the principle shall mean that there shall be no discrimination whatsoever based on sex, either directly or indirectly.’

The Green Paper ‘Partnership for a new organization of work’ emphasizes the concept of mainstreaming and questions how the new developments in relation to work organization present a challenge and an opportunity with regard to equal opportunities for women and men and it questions whether the new organization of work, emphasizing social skills, broader skills and multi-tasks, can contribute to the promotion of equal opportunities⁴.

Agreements and provisions

Recruitment

Adjustments in recruitment policy

In Austria an agreement in the public sector⁵ stated that its:

‘aim ... is to increase the percentage of female employees ... to at least 40% ... ’

The urgency required was determined by the degree of underrepresentation. The primary target was senior posts in the academic world. The aim was to increase by 20% the quota of women until 40% was reached. If currently the level was less than 10%, it was to be increased by 100% within two years. If 0%, then action was to be taken as described elsewhere. An annual schedule is to state which posts are to be filled exclusively by women. Before advertising, a check is to be carried out to see if there is a suitable internal candidate.

In the transport industry in the UK, employment on the railways is traditionally highly sex segregated. A number of equal opportunity recruitment initiatives were adopted. Gender recruitment targets were set which included the objective that women should comprise 50% of those recruited to clerical, supervisory and managerial jobs, and 25% of those recruited to manual work. Recruitment training was provided for all involved in the selection process. Recruitment centres were established and staffed by personnel trained in equal opportunities. Recruitment advertising ensured that images and text are ‘gender and culture fair’. There was recruitment of all-women teams for certain jobs: eg, track-workers. Finally, recruitment drives were staffed by women technicians as role models⁶. Similar attempts were made on the metro system: through positive action recruitment advertising (advertising for drivers to include photographs of women) and sending women employees in non-traditional jobs to go into schools to talk about their experience⁷.

³ Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

⁴ European Commission, Partnership for a new organization of work, Green Paper, Document drawn up on the basis of COM(97) 128 final, Bulletin of the European Union, Supplement 4/97, Luxembourg 1997.

⁵ Austria, p. 33: The Plan for the advancement of women in the Federal Ministry of Science, Research and the Arts.

⁶ UK, para. 116: The transport industry: railways.

⁷ UK, para. 124: The transport industry: underground (Metro).

In Ireland, a number of measures to improve recruitment patterns for women included, in the interprofessional Programme for Economic and Social Progress (1990-1993), a substantial increase in the upper age limit in most competitions for posts in the civil service and local authority service. This will facilitate a significant number of women wishing to re-enter the labour market⁸.

An agreement in the retail sector in Italy provides for the revision of methods of recruitment and selection to eliminate questions which were seen as discriminatory. Management also undertakes not to change the proportions of women employed (currently 51%), except to increase the numbers at higher levels of management⁹. Another agreement in the local government service in Italy aims to reduce concentrations of one sex in certain areas by modifying recruitment policy¹⁰.

Advertisement, job descriptions

Generally, as a rule, job advertisements demand gender-neutral formulations but some agreements go beyond that and include clauses that make it obligatory to specifically invite women to apply.

An agreement for the Austrian Federal government¹¹ includes a provision that advertisements refer to a preference for women if they are underrepresented and also includes a provision regarding representation of women on relevant committees.

Others, like the enterprise agreement in Germany for Frankfurt Airport¹², provides that advertisements for vacancies are written in such a way as to invite men and women equally to apply and to encourage female applicants for jobs in which women are underrepresented or, like a company agreement in the food and drink sector¹³ in Austria, to encourage women to apply for jobs which are typically considered as men's work.

In Finland in the broadcasting sector¹⁴ measures provide for job advertisements encouraging applications from women and the elimination of sex stereotyping in job descriptions and functions. Two 'equality agreements' in France, in a micro-electronics enterprise and in a plastics manufacturing enterprise, include measures specific to women in relation to offers of employment, stipulating that they should contain a clear job definition set out in gender-neutral language¹⁵.

⁸ Ireland, p. 5: Programme for social and economic progress (1990-1993).

⁹ Italy, p. 12: CCNL: Accordo aziendale Coop Liguria.

¹⁰ Italy, p. 33: Accordo per le azioni positive all'ente Provincia di Milano, 1995.

¹¹ Austria, pp. 24-42. These covered the Federal Ministries of Foreign Affairs, of Finance, of Science, Research and the Arts and in the Arbeitsmarktservice Osterreichs [Austrian employment service].

¹² Germany, p. 4. Airport Frankfurt AG.

¹³ Austria, p. 15: Company agreement concluded by Osterreichische Nestlé Gesellschaft mbH.

¹⁴ Finland, p. 12: The Finnish Broadcasting Company (YLE) Equality Plan, 1991.

¹⁵ France, p. 11: Erulec, 1990: accord d'égalité; France, pp. 15-16: Séprosy, 1991: accord d'égalité.



Selection procedures

Provisions in agreements on selection procedures focus on invitations for interviews, rules for interviews and rules for selection. They also provide for the representation of women on relevant selection committees.

As regards invitations for interviews, example agreements contain provisions such as that all female candidates are to be invited to interviews¹⁶, as in an agreement covering an Austrian ministry, or that female applicants are to be put on the short list at least in relation to their proportion of the total number of applicants, as in the agreement in Germany for Frankfurt Airport¹⁷.

At enterprise level in Austria, a company agreement in the food and drink sector insists on gender-neutral recruitment and makes it clear that no discriminatory questions are to appear on application forms or are to be asked in interviews¹⁸.

An enterprise agreement in the paper industry in Finland highlighted the problem of sex segregation by focusing on its recruitment policy¹⁹:

‘The aim is a balanced distribution of the sexes in all professional groups. Considerations regarding possible domestic issues, such as pregnancy or family-related leave, cannot be allowed to influence the choice of candidate’.

Preferential consideration in filling of vacancies

In recruitment procedures, agreement provisions on the filling of vacancies range from equal consideration for women and men, preferential recruitment, recruitment of women for fields in which they are underrepresented or the recruitment of women for management positions.

In Finland a provision in the broadcasting sector²⁰ allows for a preference for women in recruitment, if all else is equal.

Provisions giving preferential treatment to women were found in agreements in Germany. A plant agreement in the insurance industry specifies with regard to recruitment and transfer²¹:

‘As it is an objective of personnel policy to achieve more equal opportunities in departments or areas where women are underrepresented the equal qualified women will, as a rule, be considered in the appointment of positions. This rule applies to all hierarchical grades’.

¹⁶ Austria, p. 33: The Plan for the advancement of women in the Federal Ministry of Science, Research and the Arts.

¹⁷ Germany, p. 4. Airport Frankfurt AG.

¹⁸ Austria, p. 15: Company agreement concluded by Osterreichische Nestlé Gesellschaft mbH.

¹⁹ Finland, p. 17: The Metsa-Serla Oy equality plan for its plants at Aankoski.

²⁰ Finland, p. 12: The Finnish Broadcasting Company (YLE) Equality Plan, 1991.

²¹ Germany, p. 99: Hermes-Kreditversicherungs-AG.

Recruitment of women for management positions

An enterprise agreement in the food-processing industry in Germany included detailed provisions on increasing the proportion of women in management. These included open and gender-neutral advertisements, preferential treatment of internal qualified women, possible division of vacant management positions into two part-time jobs, appointment to deputy positions to allow women to have ‘training on the job’, with the application of a female deputy for a vacant management position to be considered preferentially²².

At local government service level in the UK, one local council specified that all vacant posts at higher grades will be advertised internally in the first instance and existing women employees will be encouraged to apply for higher-graded jobs. Three targets have been set: to increase the proportion of women managers, of women in senior management grades, and to minimize the differential in promotion and career progression patterns between men and women²³.

Summary

Several of the selected agreements, aimed at correcting recruitment policies, contain interesting features such as the setting of recruitment targets, checking to see if there is a suitable internal candidate, positive action recruitment advertising, an increase in the upper age limit in most competitions for posts or the elimination of discriminatory requests for information.

Provisions on advertising go beyond gender-neutral texts and include provisions for advertising texts inviting and encouraging women to apply in fields where they are underrepresented or for jobs typically regarded as male jobs. Other provisions focus on eliminating sex stereotyping in job descriptions and functions.

Interesting features on selection procedures include inviting all female candidates for interview or putting female candidates on the short list at least in correspondence to their proportion of the total number of applicants.

In the filling of vacancies the preferential recruitment of women for fields in which they are underrepresented or for management positions are effective ways of trying to achieve gender balance at all hierarchical levels or in all fields of activity.

²² Germany, p. 53: Wilhelm Weber GmbH.

²³ UK, paras. 182, 186: Braintree District Council.

Table 2. *Selected agreements and provisions on recruitment*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Adjustments in recruitment policy – general</i>					
recruitment	detailed provisions dealing with access to jobs <ul style="list-style-type: none"> • annual schedule stating which posts are to be filled exclusively by women • check if there is a suitable internal candidate before advertising 	Austria	public sector	local	The Plan for the advancement of women in the Federal Ministry of Science, Research and the Arts
recruitment	<ul style="list-style-type: none"> • targets • advertising • recruitment training • recruitment centres • recruitment drives 	UK	transport industry	sectoral	railways
recruitment	<ul style="list-style-type: none"> • positive action recruitment advertising and campaign 	UK	transport industry – underground	enterprise	underground (Metro)
recruitment	<ul style="list-style-type: none"> • measure to improve recruitment patterns 	Ireland	interprofessional	national	Programme for social and economic progress (1990-1993)
recruitment	<ul style="list-style-type: none"> • corrections of recruitment policy 	Italy	local government	sectoral	Accordo per le azioni positive all'ente Provincia di Milano
recruitment	<ul style="list-style-type: none"> • revision of methods of recruitment and selection to eliminate questions which are discriminatory 	Italy	retail sector	enterprise	Accordo aziendale Coop Liguria

Table 2 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Advertisement, job descriptions</i>					
recruitment	<ul style="list-style-type: none"> • reference to preference in advertisements • representation of women on relevant committees 	Austria	public sector	national	Federal Ministries of Foreign Affairs, of Finance, of Science, Research and the Arts and in the Arbeitsmarktservice Österreichs (Austrian employment service)
recruitment	<ul style="list-style-type: none"> • advertisements of vacancies • drafting of advertisements to invite men and women equally to apply • encouragement of female applicants for jobs in which women are underrepresented 	Germany	transport industry/airport	enterprise	Frankfurt Airport AG
recruitment	<ul style="list-style-type: none"> • encouraging women to apply for jobs considered typically men's work 	Austria	food and drink sector	enterprise	Österreichische Nestlé Gesellschaft mbH
recruitment	<ul style="list-style-type: none"> objective: balance of distribution between sexes of all jobs at all levels of responsibility • job advertisements encouraging applications • elimination of sex stereotyping in job descriptions and functions 	Finland	broadcasting	enterprise	The Finnish Broadcasting Company (YLR)
recruitment	<ul style="list-style-type: none"> • employment offers with a clear job definition and neutral wording 	France	micro-electronics	enterprise	Erulec

Table 2 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
recruitment	<ul style="list-style-type: none"> • employment offers with clear job definition and encouragement to women 	France	plastics manufacturing	enterprise	Séprosy
<i>Selection procedures</i>					
recruitment	<ul style="list-style-type: none"> • all female candidates invited for interview 	Austria	public sector	local	The Plan for the advancement of women in the Federal Ministry of Science, Research and the Arts
recruitment	<ul style="list-style-type: none"> • selection procedures 				
	<ul style="list-style-type: none"> • female applicants are put on the short list at least in correspondence to their proportion of the total number of applicants 	Germany	transport industry/airport	enterprise	Frankfurt Airport AG
recruitment	<ul style="list-style-type: none"> • gender neutral recruitment • no discrimination in questions on application forms or in interviews 	Austria	food and drink sector	enterprise	Österreichische Nestlé Gesellschaft mbH
recruitment	<ul style="list-style-type: none"> • recruitment policy aims at achieving a balanced distribution of the sexes in all professional groups 	Finland	paper industry	sectoral	The Metsa-Serla Oy equality plan for its plants at Aanekoski
<i>Preferential consideration in filling of vacancies</i>					
recruitment	<ul style="list-style-type: none"> • preference in hiring • establishment of an Equality Committee 	Finland	broadcasting	enterprise	The Finnish Broadcasting Company (YLR)

Table 2 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
recruitment	<ul style="list-style-type: none"> • preferential treatment • consideration of equally qualified women in appointments to positions • rule applies to all hierarchical grades 	Germany	insurance industry	enterprise	Hermes-Kreditversicherungs-AG
<i>Recruitment of women for management positions</i>					
recruitment	increasing the proportion of women in management: <ul style="list-style-type: none"> • open and gender-neutral advertisement • preferential treatment of internal, qualified women • possible division of vacant management positions into two part-time jobs • appointment of deputy positions to allow women to have ‘training on the job’ • preferential consideration of applications of female deputies for a vacant management position 	Germany	food-processing industry	enterprise	Wilhelm Weber GmbH
recruitment	<ul style="list-style-type: none"> • internal advertisement of all vacant post at higher grades • encouragement of women to apply 	UK	civil service	local government	Braintree District Council



Promotion

Studies

The 'equality agreement' in a credit institution²⁴ in France includes provisions for reports on the sex composition of the workforce and for a study to identify management posts capable of being filled by women and of women ready to occupy these posts.

In France, equality 'plans' and 'agreements' look to promotion policies to promote access by women to segregated jobs. The 'equality agreement' in a micro-electronics enterprise included measures specific to women as regards promotion including studies of past obstacles to promotion and preferential treatment for women, where everything else was equal²⁵.

An enterprise agreement in the banking sector in Italy aimed at the identification of paths favouring access for women to higher posts.

A collective agreement for doctors and dentists stipulates that permanent records be kept of the present proportions of men and women in management positions, divided by activity and salary groups²⁶. Similarly, an equality plan in the Finnish broadcasting sector²⁷ provides for continuous monitoring, with an annual report and assessment.

In the UK civil service, measures on promotion included monitoring promotion procedures stage by stage, to examine reasons for, and deal appropriately with, any significant disparities in application and success rates between men and women and between part-time and full-time staff²⁸.

Targets

An enterprise agreement in the paper industry in Finland highlighted career development programmes as a way of combating sex segregation 'to achieve an equal balance of the sexes in different departments and jobs in accordance with the Equality Act'²⁹. The agreement emphasized that in career development:

'An effort will be made through training programmes that issues of equality will be taken into consideration in the process of recruitment.

In staff-management discussions, prospects and opportunities in the company will be discussed on this basis, and with particular reference to the female point of view'.

²⁴ France, p. 24: Mutualité sociale agricole de Finistère, 1991: accord d'égalité.

²⁵ France, pp. 11-13: Erulec, 1990: accord d'égalité.

²⁶ Austria, pp. 10-12: Collective agreement/Service Regulations B (DO.B) for doctors and dentists employed by Austrian social security organizations. Another agreement applicable to administrative staff, care staff and dental technicians contained identical equality provisions.

²⁷ Finland, p. 12: The Finnish Broadcasting Company (YLE) Equality Plan, 1991.

²⁸ UK, para. 169: Civil service.

²⁹ Finland, p. 17: The Metsa-Serla Oy equality plan for its plants at Aankoski.

Similarly, a collective agreement for doctors and dentists included a Plan for the advancement of women³⁰. It included a section on ‘access to jobs/equal access to management positions’, the aim of which was to achieve an equal proportion of men and women in management positions.

In Finland, the employer in the broadcasting sector was motivated by legislation (the Equality Act 1987) to adopt an ‘Equality Plan’ which stated as its objective³¹:

‘[to] balance the distribution between sexes of all jobs at all levels of responsibility, in all work areas and duties (where dominated by one sex)’.

At local government service level in the UK three targets have been set: to increase the proportion of women managers, of women in senior management grades, and to minimize the differential in promotion and career progression patterns between men and women³².

The ‘equality agreement’ in a credit institution in France sets specific targets for the promotion of women, including access to management positions, and also has provisions on improving women’s qualifications to achieve the targets. It emphasizes that maternity leave and part-time work are not to be taken into account when promotions are being considered³³.

At enterprise level in Austria, a company agreement in the food and drink sector states³⁴:

‘[an] essential element of our human resource policy ... is to increase the percentage of women in those areas of activity where they are currently underrepresented’.

The agreement for Frankfurt Airport³⁵ sets as a long-term objective the achievement of a gender-balance between male and female employees. In order to meet this objective the agreement sets targets for the potential proportions of female employees in selected departments, for different groups of positions.

Measures

In Germany the Frankfurt Airport agreement created a ‘Promotion pool for female staff’ to help achieve targets for women’s promotion. All female employees who have been employed at the company for at least three years after the completion of their apprenticeship, and who have advanced qualifications, can apply for admission to the pool. The object of the pool is to ‘encourage female employees to undertake further training by specific measures of human resource development to prepare them for management responsibility’³⁶. Admission to the pool is preceded by an intensive promotion counselling session.

³⁰ Austria, pp. 10-12: Collective agreement/Service Regulations B (DO.B) for doctors and dentists employed by Austrian social security organizations. Another agreement applicable to administrative staff, care staff and dental technicians contained identical equality provisions.

³¹ Finland, p. 12: The Finnish Broadcasting Company (YLE) Equality Plan, 1991.

³² UK, paras. 182, 186: Braintree District Council.

³³ France, p. 24: Mutualité sociale agricole de Finistère, 1991: accord d’égalité.

³⁴ Austria, p. 15: Company agreement concluded by Österreichische Nestlé Gesellschaft mbH.

³⁵ Germany, pp. 44-45: Frankfurt Airport AG.

³⁶ Germany, pp. 45-46: Frankfurt Airport AG.



In Ireland, the post office agreed that initial assignments and subsequent sideways moves will be arranged in such a manner as to ensure that employees generally are not confined to narrow areas of work which would restrict their potential for upward mobility³⁷.

An enterprise agreement in the banking sector in Italy aimed at recruiting more women to higher posts. Building on an earlier agreement, which had already developed the equality awareness of employees in general, it initiated research on equality and provided for vocational training for women returners and for training for higher management to culturally change their attitudes so that they positively valued female employees. It established a 'Technical Commission' consisting of trade union equality activists and three representatives from the firm's management, charged with the task of monitoring implementation and presenting an evaluation. The agreement is aimed at invisible obstacles to recruitment of women. Its objective is to promote 80 women to roles of responsibility by persuading women age 35-40 to apply for identified posts. Selection procedures are examined by the Equal Opportunities Technical Commission, which organizes questionnaires for selection³⁸.

Similarly, a collective agreement in Austria for doctors and dentists included a Plan for the advancement of women³⁹. This began by scrutinizing the use of language in relevant documentation. The works council and the employer were to discuss measures to improve equal opportunities at least once a year. As part of the organization's human resource planning and staff development, vacancies were to be targeted at women.

In Austria a company agreement in the food and drink sector has a section on access to jobs, elimination of gender-specific segregation through the provision of identical working conditions and encourages internal promotion by including females in all development/training⁴⁰.

The 'equality agreement' in a micro-electronics enterprise⁴¹ in France dealt with promotion of women as part of personnel planning.

In Finland an 'Equality Plan'⁴² provides for the 'employer's responsibility to avoid discrimination' and established an Equality Committee to monitor, supervise and promote the objective of the plan. Specifically in relation to vertical segregation it states:

'... it is essential that there are both men and women in senior positions. There must be an increase in the proportion of women in senior positions ...'.

³⁷ Ireland, p. 24: An Post.

³⁸ Italy, p. 30: Accordo sulle azioni positive alla Banca Commerciale italiana, 1994.

³⁹ Austria, pp. 10-12: Collective agreement/Service Regulations B (DO.B) for doctors and dentists employed by Austrian social security organizations. Another agreement applicable to administrative staff, care staff and dental technicians contained identical equality provisions.

⁴⁰ Austria, p. 15: Company agreement concluded by Osterreichische Nestlé Gesellschaft mbH.

⁴¹ France, p. 11: Erulec, 1990: accord d'égalité.

⁴² Finland, p. 12: The Finnish Broadcasting Company (YLE) Equality Plan, 1991.

Evaluation of experience under this agreement was positive. It existed not merely on paper, but had produced an increase in the proportion of women in management and generally. This success was reported to be due to management commitment, that equality had been integrated into the work of programme production, and that female staff had been extremely active.

In France, policies regarding job access and sex segregation were reported to be more the result of management initiatives than negotiation between the social partners, more inspired by personnel planning than equality, and more agreements specifically for women than an equality policy for the whole enterprise⁴³.

The 'equality agreement' in a plastics manufacturing enterprise was preceded by a working group which had the job of defining ways to open equal access to occupations for men and women. An equal opportunities commission was set up comprising trade union representatives and women from each establishment. Its tasks were to identify priorities, fix a timetable to resolve problems, monitor implementation, and report to the central committee of the enterprise⁴⁴. Women were to be drawn to the attention of those agencies from which employees were recruited and the new positive perspective was to be stressed in the firm's relationships with local and national training organs. Management was to be closely associated with the initiatives⁴⁵.

The 'equality agreement' in a credit institution aimed to diversify jobs, consider a new organization of its services in light of needs being met by the enterprise, and train accordingly⁴⁶.

In Austria, the Federal Government appears to have taken many initiatives in the form of 'Plans for the advancement of women'⁴⁷. These agreements provided, inter alia, that women were to be encouraged, and given preference for higher echelons and management. These plans for the advancement of women were to be taken into account when budgets and posts were allocated.

In Belgium it was reported that an interprofessional agreement in 1988, focused on employment creation among the unemployed, included a section on 'Positive action for women' which created a special 'cellule' to make proposals to promote women's employment⁴⁸. This was perceived as potentially innovative, as it was the first time that positive action was referred to in an interprofessional agreement. However, it seems that there was no practical impact apart from the creation of the 'cellule'. Another interprofessional agreement in 1992 imposed a stronger obligation to prepare a plan of positive action in enterprises undergoing restructuring.⁴⁹ This appears to have been the last agreement of this type.

⁴³ France, pp. 32-33.

⁴⁴ France, pp. 15-16: Séprosy, 1991: accord d'égalité.

⁴⁵ France, p. 17. It was observed that there was no precise indication of how management was to be associated with the initiatives, or measures to be evaluated. The conclusion is that the agreement was very imprecise on implementation and effects.

⁴⁶ France, p. 24: Mutualité sociale agricole de Finistère, 1991: accord d'égalité.

⁴⁷ Austria, pp. 24-42. These covered the Federal Ministries of Foreign Affairs, of Finance, of Science, Research and the Arts and in the Arbeitsmarktservice Österreichs (Austrian employment service).

⁴⁸ Belgium, p. 10: Accord interprofessionnel du 18 novembre 1988 – Promotion de l'emploi et des actions positives.

⁴⁹ Belgium, p. 14: Accord interprofessionnel du 9 décembre 1992 – Actions positives.



Summary

The list provisions on the promotion of women in the selected agreements range from the commissioning of studies on the sex composition of the workforce, to the identification of obstacles to the promotion of women, to the identification of career paths which will facilitate access by women to higher posts.

Targets for the promotion of women range from achieving an equal balance of the sexes at all hierarchical levels, to the definition of the possible proportions of female employees in selected departments for selected groups of positions, to increasing the proportion of women in management or in non-traditional fields.

Measures to achieve the targets and objectives are multiple and include gender-sensitive promotion criteria, preferential treatment of women, promotional pools, the encouragement of women, and incentives for departments to achieve equal opportunities targets.

A monitoring of promotion procedures runs parallel with mechanisms to encourage the promotion of women.

Table 3. *Selected agreements and provisions on promotion*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Studies</i>					
promotion • analyses	<ul style="list-style-type: none"> • reports on sex composition of the workforce • study on women in management 	France	banking sector	enterprise	Mutualité sociale agricole de Finistère
promotion • analyses	<ul style="list-style-type: none"> • studies of past obstacles to promotion • preferential treatment 	France	microelectronics	enterprise	Erulec
promotion • analyses	<ul style="list-style-type: none"> • identification of career paths favouring access to higher posts 	Italy	banking sector	enterprise	Banca Commerciale italiana
promotion • analyses	<ul style="list-style-type: none"> • permanent records of the present proportions of men and women in management positions divided by activity and salary groups 	Austria	social security organizations	sectoral	Service Regulations B (DO.B) for doctors and dentists employed by Austrian social security organizations
promotion • monitoring	<ul style="list-style-type: none"> • continuous monitoring – annual report and assessment 	Finland	broadcasting	enterprise	The Finnish Broadcasting Company (YLR)
promotion • monitoring	<ul style="list-style-type: none"> • monitoring promotion procedures 	UK	civil service	sectoral	Civil service
<i>Targets</i>					
promotion/career development	<ul style="list-style-type: none"> • aim: to achieve an equal balance of the sexes in different departments and jobs 	Finland	paper industry	enterprise	The Metsa-Serla Oy equality plan for its plants at Aankoski

Table 3 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
promotion	<ul style="list-style-type: none"> • plan for advancement of women • aim: to achieve an equal proportion of men and women in management positions 	Austria	social security organizations	sectoral	Service Regulations B (DO.B) for doctors and dentists employed by Austrian social security organizations
promotion	<ul style="list-style-type: none"> • objective: balanced distribution between sexes of all jobs at all levels of responsibility 	Finland	broadcasting	enterprise	The Finnish Broadcasting Company (YLR)
promotion	<ul style="list-style-type: none"> • minimizing the differential in promotion and career progression patterns between women and men • increasing the proportion of women managers • increasing the proportion of women in senior management grades 	UK	civil service	local government	Braintree District Council
promotion	<ul style="list-style-type: none"> • targets for promotion of women • promotion criteria • access to management • provisions on achieving the objective included improving qualifications 	France	banking sector	enterprise	Mutualité sociale agricole de Finistère
promotion	<ul style="list-style-type: none"> • human resource policy aimed at increasing the number of women in areas of activity where they are currently underrepresented 	Austria	food and drink sector	enterprise	Osterreichische Nestlé Gesellschaft mbH
promotion/human resource development	<ul style="list-style-type: none"> • objective: 'achieve, long term, a balanced relation between male and female employees in the FAG' 	Germany	transport industry/ airport	enterprise	Frankfurt Airport AG

Table 3 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • definition of possible proportions of female employees in selected departments for groups of positions • setting of target figures for the job groups, which are brought together based on functions, and subdivided roughly according to the existing proportion of women • different target figures correspond to the size of job groups 				
<i>Measures</i>					
promotion/human resource development	<p>‘promotional pools’ for female staff</p> <ul style="list-style-type: none"> • admission to the pool: all female employees who have been employed at FAG at least three years after the completion of their training and who have advanced qualifications • human resource policy: admission to the pool is preceded by an intensive counselling and promotional discussion 	Germany	transport industry/airport	enterprise	Frankfurt Airport AG
promotion	<ul style="list-style-type: none"> • ensuring access to broad areas of work • improving potential for upward mobility 	Ireland	post office	enterprise	An Post
promotion	<ul style="list-style-type: none"> • establishment of a ‘Technical Commission’ monitoring implementation and presenting an evaluation 	Italy	banking sector	enterprise	Banca Commerciale italiana

Table 3 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • objective: promotion of 80 women to roles of responsibility 				
promotion	<ul style="list-style-type: none"> • annual discussions on measures to improve equal opportunities • targeting of vacancies at women as part of human resource planning and staff development 	Austria	social security organizations	sectoral	Service Regulations B (DO.B) for doctors and dentists employed by Austrian social security organizations
promotion	<ul style="list-style-type: none"> • identical working conditions • encouraging internal promotion by including females in all development/training 	Austria	food and drink sector	enterprise	Osterreichische Nestlé Gesellschaft mbH
promotion	<ul style="list-style-type: none"> • element of personnel planning • ‘equality plans’ 	France	micro-electronics	enterprise	Erulec
promotion	<ul style="list-style-type: none"> • establishment of an equality committee • in relation to vertical segregation 	Finland	broadcasting	enterprise	The Finnish Broadcasting Company (YLR)
promotion	<ul style="list-style-type: none"> • working group defining measures to open equal access to occupations for women and men • an EO Commission for each establishment • tasks: <ul style="list-style-type: none"> • identifying priorities • fixing a timetable to resolve problems • monitor implementation • report to the central committee 	France	plastics manufacturing	enterprise	Séprosy

Table 3 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • measures: • scrutinizing the organization's structure, including acting on its work environment • association of the management with the initiatives 				
promotion	<ul style="list-style-type: none"> • 'equality agreement' • considering a new organization of the bank's services • appropriate training measures 	France	banking industry	enterprise	Mutualité sociale agricole de Finistère
promotion • incentives for departments	<ul style="list-style-type: none"> • allocation of budgets and posts takes into account plans for advancement of women 	Austria	public sector	national	Federal Ministries of Foreign Affairs, of Finance, of Science, Research and the Arts and in the Arbeitsmarktservice Österreichs (Austrian employment service)
promotion of women's employment	<ul style="list-style-type: none"> • 'Positive action for women' • creating a special 'cellule' – proposals to promote women's employment 	Belgium	interprofessional	national	Accord interprofessionnel
promotion of women's employment	<ul style="list-style-type: none"> • obligation to prepare a plan of positive action in enterprises undergoing restructuring 	Belgium	interprofessional	national	Accord interprofessionnel



Training

What is examined in this section is training which specifically focuses on assisting women to advance within organizations and to develop their careers. Measures which guarantee equal access to training for women and men are also reviewed.

In Finland, the 'Equality Plan' adopted by an employer in the broadcasting sector included provisions on training: selection for vocational training should have regard to an equal distribution of the sexes, and the relevance of equality issues for the organization should form part of all training modules, with special awareness training on equality specifically targeted at management⁵⁰. A full-time staff member has the job of initiating action, providing information and organizing training on equality issues. Programming operations were instructed to actively break down traditional role models. To spread the word, measures were taken to ensure that employees were aware of both the law and the company's policy.

The 'equality agreement' in a biscuit factory was preceded by a study which noted the concentration of women at the lower end of the employment structure. As this was attributed to lack of training, the entire agreement focused on training. Twelve places per year were reserved for women⁵¹.

An agreement in a telecommunications enterprise in Italy provided for positive action in three phases: first, an analysis of the characteristics of female jobs and a general qualitative study of all jobs to establish their qualities; secondly, training courses to improve the professional skills identified; finally, evaluation of the project. The programme included courses of training on new equipment, provided by internal staff of the enterprise⁵².

In the broadcasting industry in Ireland, a training and staff development plan included two elements. First, a programme production familiarization course was developed to enable women to acquire the necessary skills and experience to facilitate greater participation in programme production. Secondly, women into management courses were run to prepare women working below management level to take on greater managerial responsibilities and to operate effectively, as well as to provide them with more technical or knowledge-based skills⁵³.

An agreement for doctors and dentists employed by social security organizations in Austria included a section on 'further and development training'⁵⁴. This required the employer to encourage internal equality, promotion and training opportunities, for all employees to be advised specifically, and for attendance to be recorded. This reflects similar provisions in an

⁵⁰ Finland, pp. 14-15: The Finnish Broadcasting Company (YLE) Equality Plan, 1991.

⁵¹ France, p. 18: Belin, 1991: accord d'égalité.

⁵² Italy, p. 14: Contratto per un progetto di azioni positive alla OTE spa – Firenze.

⁵³ Ireland, pp. 26-27: RTE (Radio Telefis Eireann).

⁵⁴ Austria, pp. 13: Collective agreement/Service Regulations B (DO.B) for doctors and dentists employed by Austrian social security organizations. Another agreement applicable to administrative staff, care staff and dental technicians contained identical equality provisions.

agreement in the banking sector in Denmark, which includes an obligatory training plan, reported to be good for those women who would otherwise have hesitated to come forward⁵⁵.

An enterprise agreement in the paper industry in Finland aimed at:

‘... a more balanced distribution of the sexes in training programmes at different levels. Training schemes will show how courses are to be made up in terms of the proportion of women to men.

Training will also help minimize the possible effects of family-related leave taking’⁵⁶.

In France, equality ‘plans’ and ‘agreements’ emphasized training as a way of combating sex segregation. The training measures in the ‘equality agreement’ in a plastics manufacturing enterprise provided for active encouragement to all women employees, within three years of joining the company, to take part in training activities⁵⁷.

The emphasis on training was also evident in sector agreements in France. The agreement in the building materials and supplies sector specifies that training is to be made available to both sexes, and employees who have not had any training during the preceding four years should receive special attention⁵⁸.

A sectoral agreement in the printing industry in Germany prescribed a share of the yearly expenditure for professional further education to be reserved for the specific training of women – in accordance to the proportion of women in the workforce⁵⁹.

In the electricity industry in Ireland, it was agreed that special training including single sex training may be required to prepare women for participation in non-traditional roles, especially supervisory and management roles. The employer will also facilitate job rotation, subject to work requirements, and will, in particular, ensure that women have equal opportunities in this regard. Work shall not be allocated in such a manner as to disadvantage men or women in the matter of gaining work experience⁶⁰.

An enterprise agreement in the food-processing industry in Germany aimed at increasing the proportion of women in management and so developed a specific programme of further education for future female managers, as well as regular courses offered to female managers and deputies in which they should participate twice a year⁶¹.

⁵⁵ Denmark, p. 30: Association of Employers in the Financial Sector (FA) and Financial Confederation: Agreement on conditions of pay and employment in the banking sector, 1995; S. 3: Training plan and S. 4: Training leave.

⁵⁶ Finland, p. 17: The Metsa-Serla Oy equality plan for its plants at Aankoski.

⁵⁷ France, p. 16: Séprosy, 1991: accord d’égalité. But it was observed that the plan said nothing of implementation: who is responsible, how or when it is to be implemented.

⁵⁸ France, p. 37: Convention des carrières et matériaux.

⁵⁹ Germany, p. 120: Printing Industry – collective agreement on promotion of further education and retraining.

⁶⁰ Ireland, p. 21: The Electricity Supply Board.

⁶¹ Germany, p. 53: Wilhelm Weber GmbH.



In the UK civil service, positive action women-only training was provided; for example, management development, confidence building and assertiveness⁶².

Many of the initiatives in Italy were responses to the legislation on positive action (law no. 125/91). For example, an agreement in the retail sector aimed to desegregate women's employment by placing them in jobs at all levels. The agreement seeks to maintain job equilibrium between the sexes and offers assistance and encouragement to women to overcome obstacles to advancement. To this end, training courses were organized in new technology, information procedures and in new product lines⁶³.

Family-friendly training arrangements

In the sectoral agreement covering the hotel and catering industry in Spain, provision is made for training during working hours in a sector with a high proportion of women workers, due to the recognition that it may be difficult for women to attend training outside working hours⁶⁴. Training measures in several collective agreements in France were complemented by family-friendly training arrangements. The 'equality agreement' in a plastics manufacturing enterprise includes specific times for training, designed to avoid clashes with family work⁶⁵. In a biscuit factory the agreement provides financing for childcare for nights absent on training and also provides for a car allowance (car rental)⁶⁶. The agreement in the food processing sector states that efforts are to be made to organize training locally, taking into account that employees may have difficulty in travelling due to their family situation⁶⁷.

In the civil service in the UK, measures on career development include providing training courses to meet the needs of part-time staff and those with domestic responsibilities who are unable to stay away from home overnight. Where appropriate, there is pay for additional childcare costs incurred by those who have to work additional hours or be away from home overnight⁶⁸.

Summary

The provisions in these selected agreements range from comprehensive 'Equality Plans', monitoring of their implementation, equal proportions of the sexes on training programmes, equal access to training measures, special training, the reservation of training budgets and places for women, to family-friendly training arrangements. These provisions and measures are complemented by special awareness training modules for managers, special encouragement of women, as well as courses on confidence building and assertiveness.

The most far-reaching and promising are those agreements and provisions embedding training measures in the implementation of 'Equality Plans' based on studies which analyse existing job

⁶² UK, para. 169: Civil service.

⁶³ Italy, p. 19: Compagnia Generale Trasporti (CGT) di Milano, Settore di commercio.

⁶⁴ Spain, p. 34: Collective agreement covering the hotel and catering trade, 1995.

⁶⁵ France, p. 16: Séprosy, 1991: accord d'égalité.

⁶⁶ France, p. 18: Belin, 1991: accord d'égalité.

⁶⁷ France, p. 37: Convention de l'alimentation et approvisionnement général (7.12.1994).

⁶⁸ UK, para. 169: Civil service.

structures and identify appropriate career paths to enable women to progress within the organization. Isolated training measures are not effective in breaking down gendered job structures.

In addition to special training measures for women, the two Irish agreements emphasize equal access to work experience and thus highlight a further precondition for the career development of women.

The wording in the agreements on training is, by and large, very general with regard to the topics which should be included in training programmes. Only the two Italian agreements mention courses in new technology and information processing, and training in new product lines (in the retail sector) or on new equipment (in a telecommunications enterprise).

As far as the desegregation of job structures is concerned, all training measures for non-traditional female jobs (traditional male jobs) need to be based on a detailed analysis of the future development of these jobs, to ensure that, in reality, women are not being trained for jobs which men no longer find attractive. This dimension of personnel planning and development should be included in 'equality plans' and monitored carefully.

Even where training measures aimed at desegregating gendered job structures are specifically designed for women, it is essential, nonetheless, that the provisions of family-friendly training arrangements apply both to women and to men in order to avoid reinforcing traditional assumptions about women's family responsibility.

Table 4. *Selected agreements and provisions on training*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
training	'equality plan' <ul style="list-style-type: none"> • selection for vocational training – equal distribution of sexes • inclusion of equality training and information in all training measures • special equality awareness training for management 	Finland	broadcasting	enterprise	The Finnish Broadcasting Company (YLR)
training	'equality agreement' <ul style="list-style-type: none"> • initial study on distribution of sexes in job categories • reservation of twelve places per year 	France	biscuit factory	enterprise	Belin
training	positive action in three phases: <ul style="list-style-type: none"> • job analysis • training courses improving professional skills • evaluation of the project 	Italy	telecommunication	enterprise	OTE spa – Firenze
training/work experience	Training and staff development plan including two elements: <ul style="list-style-type: none"> • courses and work experience in programme production for women • 'women into management courses' 	Ireland	broadcasting industry	enterprise	RTE (Radio Telefis Éireann)
training	<ul style="list-style-type: none"> • further and development training • encouragement • advice • attendance 	Austria	social security organizations	sectoral	Service Regulations B (DO.B) for doctors and dentists employed by Austrian social security organizations

Table 4 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
training	obligatory training plan	Denmark	banking sector	branch	Association of Employers in the Financial Sector (FA) and Financial Confederation
training	balanced distribution of the sexes in training programmes at different levels	Finland	paper industry	sectoral	Metsa-Serla Oy equality plan
training	<ul style="list-style-type: none"> • approach to all women employees within three years • encouragement 	France	plastics manufacturing	enterprise	Séprosy
training	<ul style="list-style-type: none"> • access to training for both sexes • special attention to employees who have not had any training during the preceding four years 	France	building materials	sectoral	Carrières et matériaux
training	reserving a share of the yearly budget for professional further training for special programmes for women – in accordance with the proportion of women in the workforce	Germany	printing industry	sectoral	Printing Industry
training/work experience	<ul style="list-style-type: none"> • equal access to gaining work experience, special training for women • preparing women for participation in non-traditional roles, especially supervisory and management tasks 	Ireland	electricity industry	sectoral	The Electricity Supply Board
promotion/access to management positions	<ul style="list-style-type: none"> increasing the proportion of women in management • specific programme of further education for future female managers 	Germany	food-processing	enterprise industry	Wilhelm Weber GmbH

Table 4 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> regular courses offered to female managers and deputies 				
training/career development	positive action women-only training, for example: <ul style="list-style-type: none"> management development confidence building assertiveness 	UK	civil service	sectoral	Civil service
training	aim: desegregation of women's employment <ul style="list-style-type: none"> courses in new technology and information procedures training in new product lines 	Italy	retail sector	enterprise	Compagnia Generale Trasporti (CGT) di Milano, Settore di commercio
<i>Family-friendly training arrangements</i>					
training <ul style="list-style-type: none"> time arrangements 	training during working hours	Spain	hotel and catering industry	sectoral	Hotel and catering trade
training <ul style="list-style-type: none"> time arrangements 	time arrangements	France	plastics manufacturing	enterprise	Séprosy
training <ul style="list-style-type: none"> local arrangements 	organizing training locally taking into account the family situation	France	food processing industry	sectoral	L'alimentation et approvisionnement général
training <ul style="list-style-type: none"> childcare costs 	<ul style="list-style-type: none"> financing of childcare for nights of absence car allowance 	France	biscuit factory	enterprise	Belin
training <ul style="list-style-type: none"> needs of part-time staff reconciliation childcare costs 	<ul style="list-style-type: none"> providing training courses to meet the needs of part-time staff and those employees who are unable to stay away from home overnight pay for additional childcare costs 	UK	civil service	sectoral	Civil service




Chapter 3



Pay Equity

Key Issues

Despite improvements in women's pay, differences in pay between women and men remain considerable and are again increasing in several countries.

The subject of reducing pay inequity is closely linked to a narrowing of gender hierarchies and a breaking down of horizontal segregation.

Two main approaches to achieve improvement in women's pay are:

- implementation and application of methods of analytical or summary job evaluation to achieve more equity in the assessment of jobs and work; and
- a levelling out of wage structures.

As all experts on pay systems and pay equity agree that the traditional classification systems are gender-biased, the initiative of the collective bargaining parties is crucial in the process of the adaptation of classification systems and job evaluation to the demand of neutrality, transparency and equity.

One of the focuses of European Commission policy on pay equity is on job evaluation. However, job evaluation systems as a mean to achieve pay equity are an ambivalent tool¹. Examinations of existing traditional job evaluation methods show evidence of an inherent gender bias. A more

¹ A really impressive and instructive study and analysis of the development and implementation of job evaluation in public services in Oregon in the United States is: Acker, Joan, *Doing Comparable Worth: Gender, Class and Pay Equity*, Philadelphia 1989.

far-reaching approach is needed, including a questioning of existing job evaluation programmes and the development of gender-neutral systems.

Critical are the choice, definition and the measurement of factors such as skill, responsibility etc., the weighting of these factors, and the assessment and linkage of the calculated work values.

After the development of an appropriate system which is gender-neutral, it is of the uttermost importance that it applies to the whole job hierarchy, without exception.

The second approach, a levelling out of wage structures, does not focus on the assessment of jobs or work but on structural disadvantages in a pay hierarchy. This approach argues that by means of higher increases for the lower pay grades or special awards to certain categories of employees inequality in the pay structure can be reduced.

EU Dimension

With the adoption of Article 119 in the EC Treaty of Rome, the principle of equal pay for equal work became established in EU law in 1957².

The Equal Pay Directive from 1975 (75/117) implied an extension to the principle of 'equal pay for work of equal value' and includes requirements in relation to the content of job classification systems³.

Compared to Article 6 of the Protocol on Social Policy to the Maastricht Treaty, which still refers to 'equal pay for equal work', the Amsterdam Treaty, which includes the insertion of a wholly new paragraph into Article 119 '... including the principle of equal pay for work or work of equal value', is an improvement with regard to pay equity.

The subject of pay discrimination has resulted in an extensive case law by the European Court of Justice and national labour courts.

A helpful aid, providing concrete advice for employers and collective bargaining parties on systems of pay determination and the detection of sexual discrimination in pay structures, is the 'Code of practice on the implementation of equal pay for work of equal value for men and women'⁴ published by the European Commission in 1996, following on from its memorandum on equal pay for work of equal value, published in June 1994⁵.

² In contrast to the Convention No. 100 of the ILO from 1951 which referred already to 'work of equal value' Article 119 put an obligation on the Member States for the realization of the principle of 'equal pay for equal work'.

³ The critical role and responsibility of the collective bargaining parties became evident for example in the process of transposition of the Equal Pay Directive in German law (*Arbeitsrechtliches EG-Anpassungsgesetz*). In the interpretation of the law the legislator (*Gesetzesbegründung*) explained that 'work of equal value' is given when the collective bargaining parties describe work as of the same value. Pfarr, Heide M., 'Gleichbehandlung von Männern und Frauen im Arbeitsleben als Beispiel für die Durchsetzung sozialpolitischer Normen des Gemeinschaftsrechts', in: Lichtenberg, Hagen (ed.), *Sozialpolitik in der EG*, Baden-Baden, 1986, p. 182.

⁴ European Commission, Code of practice on the implementation of equal pay for work of equal value for men and women, Luxembourg, 1996.

⁵ Com(94) 6 final.



Agreements and Provisions

Collective agreements explicitly addressing pay discrimination are fairly well established in many Member States. The selected agreements and provisions on pay equity range from a comprehensive list in an interprofessional agreement, analyses of wage structures, measures with regard to decentralization and individualization of pay determination, analytical job evaluation, alterations of job classifications systems, to an ‘equality award’ or special funds to balance out discriminatory tendencies in the wage-setting process. Agreements on job evaluation address the criteria used in evaluating jobs and stress the importance of transparency in the process of determination of basic pay.

Comprehensive List of Provisions on Pay Equity

An interprofessional agreement on equal pay in Belgium was reached in 1975⁶. It covers all elements of pay, with a long list (Article 4); specifies that job evaluation systems are not to discriminate in the choice of criteria, or weighting, or transposition of criteria into elements of pay (Article 3); states that legal action may be taken by either the worker or the trade union (Article 5); establishes a bipartite commission to give opinions to the courts concerned (Article 6); provides for various publicity measures (Articles 8-10); and proposes that the parties review its application after 12 months (Article 11).

Review of Pay Structures

A necessary preliminary to establishing equal pay is information about existing wage structures and distribution. In the ‘Code of practice’ developed by the European Commission such analyses are proposed as a first step. The selected agreements offer some models.

In Denmark, agreements simply aiming to provide this information were promoted as a result of the special equal opportunity obligations on the public sector. In one municipality in Denmark, an equal status committee was set up drawn from management and staff representatives on the main cooperation committee, plus city council members, chaired by the mayor⁷. It issued reports in 1994 and 1995 covering the distribution of local pay by sex and looking particularly at the distribution of supplementary payments in terms of the size and number of such extra payments. It was reported that these studies showed that the position of women had improved regarding supplements; there was a levelling out in their distribution, though differences remained in the types of bonus for women and men. A study in another municipality concluded that women received more pay in the form of less attractive single payments, while men had more of their pay in the form of more attractive fixed bonuses⁸.

This analysis, investigating pay differentials and improvements in women's pay, as well as examining the composition of pay, is significant because analysis on gendered wage structures

⁶ Belgium, p. 6: Convention No. 25 du CNT – Egalité de rémunération, 1975.

⁷ Denmark, p 73; The Equal Status Committee in the Municipality of Aalborg: Report on local pay and sex in the Municipality of Aalborg.

⁸ Denmark, p. 75: Municipality of Arhus, Development Office: Notes on local pay and equality in the Municipality of Arhus.

gave evidence of a tendency to switch over to other pay elements in cases where the basic pay of female- and male-dominated jobs had been adjusted.

In Sweden, all current agreements include the statement that the parties will analyse wages by sex. An example is the agreement in the engineering industry⁹. Prior to agreeing wages, the local parties will analyse women's pay in relation to men's; if there are discrepancies, these are to be adjusted. Individual wage fixing is emphasized, but the agreement states that the same wage fixing principles apply to women and men; and special consideration is to be given to groups or individuals with unfavourable wages or wage development.

Decentralization and Individualization of Pay

With regard to future developments in pay determination and a trend towards decentralization and individualization of pay, two Danish agreements offer practical models.

In Denmark, the focus of attention has been the potentially discriminatory operation of decentralized wage determination systems and arrangements for individualized payments. An agreement covering commercial and clerical employees deals with a system whereby pay was negotiated individually¹⁰. The agreement requires the employer to carry out a systematic evaluation as a basis for the determination of personal pay. Pay is to reflect input, qualifications, competence, responsibility, training for the work, flexibility and the content of the job. The agreement explicitly states that pay setting must take into account the Equal Remuneration Act. If there is a dispute over equal pay, an appraisal is to be conducted by the parties at the enterprise. This system is reported to regularize assessments for personal pay.

Another agreement covering municipal employees in Denmark addresses the level of bargaining over pay¹¹. It specifies that any proposal on decentralized pay must be presented in writing, with supporting arguments, to the other party. This required justification is reported to make for greater clarity in negotiations on the operation of decentralized pay, and assists in monitoring the operation of the Equal Remuneration (Men and Women) Act. The requirement of written justification focuses attention on the objective criteria to be used.

Job Evaluation and Job Classification Systems

The selected agreements on job evaluation differ with regard to their objective. The first category looks to developing new, balanced systems of job evaluation whereas the second category focuses on the application of existing systems.

Finland has seen the development of job evaluation schemes as part of incomes policy agreements negotiated at central level¹². The 1990-1991 central agreement provided for a job

⁹ Sweden, pp. 27-28: Engineering agreement and industrial salaried employees' agreement 1995-1998.

¹⁰ Denmark, p. 69: Danish Employers' Confederation/ Dansk Handel & Service and Danish Confederation of Commercial and Clerical Employees, National Agreement 1995, s.5: Minimum pay.

¹¹ Denmark, p. 71: National Association of Municipal Authorities/Association of County Authorities in Denmark, and Association of Local Government Officers and Group Contract Employees: agreement on decentralized pay.

¹² Finland, pp. 27-31: The development of job evaluation schemes in incomes policy agreements: 1990-1991, 1992-1993 and 1996-1997.



evaluation exercise. A working party was set up to report on existing schemes and make recommendations as to its development, with particular attention to be paid to sectors with a significant number of female employees. The working party included an expert from the Council for Equality. The result is that, generally, pay schemes are increasingly based on job evaluation studies, the principle of fair pay is growing in strength, the undervaluation of women's work is publicly discussed and recognized, and resources are going to research on unequal pay.

This national working party in Finland sparked off job evaluation projects in agreements in various sectors. One such is the agreement for local council personnel, which covers health care, social services, cultural areas (not teachers) and general administration, some 71% of the council sector (total 395,000 employees)¹³. A protocol agrees to develop job evaluation schemes, and a working party is to develop an analytical job evaluation system which must be balanced and thorough in implementing pay equality between sexes in compliance with the Equality Act. In addition to the top-level working parties, there are also major training schemes, eg, for union members.

Whereas the above two agreements provide working parties on job evaluation and a framework for the sectoral or local level, another sectoral agreement focuses on the integration of formerly separate pay scales.

This example, from Finland, is an agreement for white collar staff in the chemical industry¹⁴. The new pay system is to be based on an evaluation of the demands of the job and of the required personal qualifications. A key element is the requirement that by 1999 all white collar personnel will have the same pay structure. This means that formerly separate agreements regulating the pay of technical and office staff will merge. These two groups are roughly the same size, in the same sector, and doing similar jobs. The office staff are 76% women; the technical staff are 64% men. But the monthly payroll of the former was only 88% of the latter. The amalgamation of their pay structures under the same job evaluation scheme constitutes an equality exercise attempting to eradicate differences.

This agreement is significant as it shows how pay equity between women and men can be achieved through the integration of job evaluation systems resulting in a common pay scale.

In the UK, probably the best known and most comprehensive agreement which attempted to redress pay discrimination was a job evaluation exercise for local authority manual workers agreed in 1986¹⁵. The agreement affected about one million workers, three-quarters of whom were women. Basic wage rates were negotiated nationally in the National Joint Council comprising the organization of local authority employers and the three major trade unions. A team drew up 540 job descriptions based on a breakdown into six factors: skill, responsibility, initiative, mental and physical effort, and working conditions. Forty major occupations, covering

¹³ Finland, pp. 41-43: Collective agreement for local council personnel 1995-1996.

¹⁴ Finland, pp. 44-46: Agreement for white-collar staff in the chemical industry, 1995.

¹⁵ UK, paras. 131-140: Local government.

approximately 90% of the labour force were analysed in terms of the factor headings, with each factor having four or five possible levels. A coordinating panel, comprising seven employer and six union representatives, and including five women, then applied weights to the different factor levels. Each job was allocated its quota of points according to the factors it was deemed to comprise and their weighting. This produced a rank order of jobs for local authority manual workers. The outcome was a re-ordering of the previous structure which had been criticized as discriminatory. For example, some 'caring' jobs, such as home helps, predominantly female, were evaluated more highly than previously, whereas other jobs, such as refuse collectors, predominantly male, had moved down.

In Italy, an agreement in the telecommunications sector proposed redefinition of the role of secretary, aimed at revaluing it in a new system of classification¹⁶. Four levels of secretary were proposed, each defined in terms of administration, document production, filing, logistics, organizing, communication, and so on. Each was attributed points according to three levels of complexity.

Other, less ambitious, compensatory mechanisms exist. A plant agreement in the food processing industry in Germany proposed an examination and possible upgrading of jobs using job evaluation and job enrichment techniques. Any grading more than six years old was to be checked, with a gradual up-grading of the lowest wage group through a job enrichment programme¹⁷.

Special Awards or Funds

In contrast to agreements on job evaluation, the following agreements focus on systematic pay differentials, leaving aside the question of assessment of jobs. The approach of an extra increase in pay for certain categories of employees – in the tradition of solidaristic wage policy – is a powerful mean to improve women's pay but requires a certain social environment and active support by the collective bargaining parties.

A detailed account of such an approach, 'equality awards', comes from Finland¹⁸. These were first introduced in 1989, and covered all sectors. The proposal for the inclusion of such an award in the national incomes policy agreement was made by the negotiator of a central organization with predominantly female workers. This followed the adoption of resolutions in the 1970s-1980s on solidarity wage policy. They were seen as a mechanism, to be integrated into agreements, which would increase pay in sectors where there are female and low-paid workers. These categories of worker are to be awarded an extra increase in pay. The equality award is negotiated by employers' associations and unions. The interprofessional agreement for 1996-1997 included a women's pay award and a pay award for the low-paid:

¹⁶ Italy, pp. 37-39: Accordo sul ruolo del personale di segreteria all'Italtel, 1993. It was said that this initiative is due to the activity of an Equal Opportunities Commission.

¹⁷ Germany, p. 7: Wilhelm-Weber GmbH.

¹⁸ Finland, pp. 32-40: Equality awards in incomes policy agreements: incomes policy agreements: 1989-1990, 1990-1992 and 1995-1996.

‘The parties to the agreement will strive by means of the women's pay award to raise the status of pay for women whose pay is not commensurate with the demands of their work or training. The pay award for the low-paid is meant as a means of correcting the position of the relatively low-paid in a given sector’. (pp. 6-7)

Apart from their symbolic importance, it was reported that this mechanism highlighted the importance of gender in shaping pay negotiations, undermining the general assumption that such negotiations were sex-neutral. It was shown by research that the effects of equality awards were to narrow pay differentials between the sexes, especially in certain sectors.

In Sweden, the mechanism of special funds for women, to be distributed in female-dominated occupations, can also be found. An example comes from the insurance industry¹⁹. A fund is reserved, amounting to 0.5% of the total salary paid to female staff, to even out unjustified discrepancies. The employer is to monitor discrepancies and undertake fund distribution so that any unjustified discrepancies ‘are clearly reduced during the period of the agreement’. Similarly, in the local government sector, there is a fund calculated on the basis of the wages bill²⁰. Local negotiations are to distribute it to female-dominated occupations, but men in those occupations are also to benefit.

Summary

It is not surprising that all selected agreements are negotiated at the national or at the sectoral level, as these are the main levels where pay is regulated in most countries. Included are several interprofessional agreements and a great number of agreements in the public sector. The majority of these agreements have been negotiated in Scandinavian countries where debates on pay structures have a long tradition.

This pattern of the concentration of agreements should not be regarded as an argument against the possibility of transposition to other countries and to other sectors. These agreements focus on the core area of pay determination: job evaluation and ranking of jobs, supplementary pay elements on the one hand and additional ‘equality awards’ on the other hand.

The Swedish and Danish agreements on analyses of pay structures are encouraging and can easily be transposed. The European Commission's ‘code of practice’ emphasizes such analyses as a basis for further steps. Analyses of pay structures can be conducted in any country, sector or plant but seem to be easier to implement in the public sector because of the equal opportunity obligations of the public authorities.

The gathering of such information can result in a rethink of pay determination procedures and the identification of discriminatory structures. Reviews of gendered pay structure should include

¹⁹ Sweden, p. 28: Folksam's employee agreement.

²⁰ Sweden, p. 29: Wage agreement in the local government sector.

both an examination of improvements in women's pay and an analysis of persisting pay differentials.

The outcome of the Swedish analyses of wage structures are agreements to even out unjustified discrepancies, using special funds set aside for this purpose. This approach is rooted in the Swedish tradition of solidaristic wage policies, an approach which may not carry over to other countries and which seems to run contrary to new developments in pay determination that aim at relating pay to performance. But these agreements, especially the agreement for local government in Sweden, emphasizes individual wage fixing and the agreement states that the same wage fixing principles apply to women and men, but special consideration should be given to groups or individuals with unfavourable wages or wage development.

Analyses of wage structures can highlight several elements of pay determination. The agreement for the public services in Denmark which focuses on the use of supplementary payments is very important. The use of such payments as a way of undermining equal pay principles should be kept in mind when developing job evaluation programmes and pay grade structures.

Of growing importance in relation to shifts in the level of bargaining and the emergence and growth of performance-related pay systems are those agreements which have been negotiated in Denmark dealing with the decentralization and individualization of pay determination. These examples should be considered as a model in implementing these new principles of pay determination. What is important is the fact that these agreements demand objective justification for proposed changes and focus attention on potentially discriminatory practices. As such, they introduce a gender perspective on changes in pay determination levels and on the individualization of pay systems.

The establishment of special working parties on pay equity found in several agreements is significant on two counts: firstly, as a way of analysing pay differentials and developing solutions designed to fit specific situations; secondly, in recognition of the fact that pay equity can only be achieved in the long run and not as a result of one-off actions, such working parties can function as standing committees designed to foster the pay equity agenda. Such committees can, for example, monitor the use of requirement-related, performance-related or supplementary payments and prevent their use as a way of developing new discriminatory practices. They can also initiate the regular reviews of pay structures, as recommended in the European Commission's 'code of practice', to ensure that sex-based discrimination does not reappear.

None of the selected agreements deals with performance-related pay in detail. The opportunities and risks, for women and for pay equity, of a shift to more performance-related, individualized pay systems is a development that will need to be carefully monitored in the future²¹. How different forms of pay determination, and the tensions between them, relate to pay equity considerations needs to be kept under review.

²¹ Weiler, A., 1997, 'The Gender Dimension of European Industrial Relations and Pay Determination Systems', in: Fitzpatrick, Barry, *Bargaining in Diversity: Colour, Gender and Ethnicity*, Dublin, 1997, p. 101-122.

Table 5. *Selected agreements and provisions on pay equity*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Comprehensive list of provisions on pay equity</i>					
catalogue of provisions on equal pay	covers all elements of pay; job evaluation and additional measures to ensure pay equity	Belgium	interprofessional	national	Convention No. 25 du CNT – Egalité de rémunération
<i>Review of pay structures</i>					
analysis of wage structure	information on pay differentials, particularly on supplementary payments	Denmark	public sector	local	The Equal Status Committee in the Municipality of Aalborg: Report on local pay and sex in the Municipality of Aalborg
analysis of wage structure	information on pay differentials, particularly on supplementary payments	Denmark	public sector	local	Municipality of Arhus, Development Office: Notes on local pay and equality in the Municipality of Arhus
analysis of wages by sex	local parties analyse women's pay prior to agreeing wages; adjustment of discrepancies	Sweden	engineering industry	sectoral	Engineering agreement and industrial salaried employees' agreement 1995-1998.
<i>Decentralization and individualization of pay</i>					
systematic evaluation of determination of personal pay	<ul style="list-style-type: none"> • focus on potentially discriminatory operation of decentralized and individualized pay determination • employer has to carry out a systematic evaluation as a basis for the determination of personal pay • pay is to reflect input, qualifications, competence, responsibility, training for the work, flexibility and the content of the job 	Denmark	trade	sectoral	Danish Employers' Confederation/ Dansk Handel & Service and Danish Confederation of Commercial and Clerical Employees

Table 5 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
decentralized pay	<ul style="list-style-type: none"> • focus on the level of bargaining • written justification for any proposal on decentralized pay focusing attention on objective criteria 	Denmark	public services	sectoral	National Association of Municipal Authorities/ Association of County Authorities in Denmark, and Association of Local Government Officers and Group Contract Employees
<i>Job evaluation and job classification systems</i>					
job evaluation	working party reporting on existing schemes and developing recommendations	Finland	interprofessional	national	all Finnish central employer and employee organizations
job evaluation	working party developing balanced and thorough analytical job evaluation schemes; additionally: major training schemes, eg, for union members	Finland	public services	sectoral	Collective agreement for local council personnel
job evaluation	establishment of same pay structures for technical and office white-collar staff	Finland	chemical industry	sectoral	Agreement for white-collar staff in the chemical industry
job evaluation	breakdown of job description factors; outcome: re-ordering of the previous rank order of jobs	UK	public services	sectoral	Local government
system of job classification	redefining and revaluing of secretaries' jobs	Italy	telecommunications sector	enterprise	Accordo sul ruolo del personale di segretaria all'Italtel
examination of jobs with regard to job evaluation	checking of grading more than six years old and up-grading of the lowest wage group using job enrichment techniques	Germany	food processing industry	enterprise	Wilhelm-Weber GmbH

Table 5 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Special awards or funds</i>					
'equality award'	extra increase in pay for women and low-paid	Finland	interprofessional	national	all Finnish central employer and employee organizations
special fund for women	distribution in female-dominated occupations in order to even out unjustified discrepancies	Sweden	insurance industry	sectoral	Folksam's employee agreement
fund calculated on the basis of the wages bill	distribution in female-dominated occupations in order to even out unjustified discrepancies	Sweden	public services local government	sectoral	Wage agreement in the local government sector




Chapter 4



Sexual Harassment

Key Issues

Sexual harassment is a recent concern of EU policy and of collective bargaining. As sexual harassment undermines all efforts at improving equal opportunities in other areas, it is essential to deal with sexual harassment in the context of corporate culture and the working environment and to create a working environment which leaves no space for behaviour which violates personal dignity and the right to live one's own life.

Linking sexual harassment to the organization's culture avoids reducing this widespread phenomenon to the misconduct of some individuals. Sexual harassment at the work place is – like sexual violence in other societal spheres – first of all, an expression of power relations between genders. So, the definition of, and the methods of dealing with, sexual harassment are crucial topics.

Provisions on sexual harassment in collective agreements should cover a range of issues, including:

- the challenging of discriminatory corporate cultures;
- an explicit ban of 'sexual harassment', without exception;
- a definition of 'sexual harassment';
- the explicit avoidance of sexual harassment in hierarchical relationships;
- the listing of preventive measures;
- the protection and support of harassed employees;
- the setting out of the rights of harassed employees,

- the procedures to be followed in the case of complaints of harassment;
- the person(s) or committee who are to handle complaints;
- the sanctions to be applied against employees found guilty of harassment;
- supporting measures to make both employees and managers aware of the issue of sexual harassment;
- an extension of the ban of sexual harassment to staff from outside companies, advertisers, public relations companies, etc.

EU Dimension

On 19 March 1997, the European Commission launched the second stage of consultations with the social partners under the Maastricht Agreement on social policy on the proposal for an EU policy to counter sexual harassment at work. However the social partners declined to take up the invitation to open negotiations on a framework agreement on sexual harassment, and Commissioner Flynn subsequently told the European Parliament that he had no immediate plans to proceed with a directive on the issue, as he was unable to detect a willingness on the part of Member States to support such an initiative at this time.

Adoption of voluntary initiatives by the Commission in recent years include the 1991 Commission Recommendation on sexual harassment and the annexed Code of Practice, the 1993 handbook on the implementation of the Code, and the 1994 Resolution on the appointment of 'confidential counsellors'.

The definition used in documents from the European Commission and the EU Council of Ministers states that sexual harassment consists of:

‘unwelcome behaviour of a sexual character or other unwelcome behaviour based on sex, which affects the worker's integrity at the workplace and creates a scaring, hostile or humiliating working environment.’

The voluntary initiatives define sexual harassment, aim at promoting awareness, describe the impact of sexual harassment and encourage the development and implementation of policies and practices which establish working environments free from sexual harassment. They emphasize that sexual harassment at work is not an isolated phenomenon and that it is an obstacle to the proper integration of women into the labour market. They also offer comprehensive advice on preventive measures and complaints procedure.

Agreements and Provisions

Collective agreements concerned with sexual harassment highlighted a number of features: definitions, including occasional references to the definitions in EU instruments; methods of avoidance and protection, possibly involving specially designated persons; and the spelling out of the nature of the offence and appropriate penalties.



Corporate Culture/Working Atmosphere

Several agreements clearly state that sexual harassment is incompatible with the corporate culture and represents a violation of harmony in the workplace.

In Germany, in the Volkswagen agreement in the car manufacturing industry, sexual harassment is described in the context of other forms of discrimination as a ‘serious disturbance of working peace’, a violation of personal dignity as well as an interference with the ‘right to live one’s own life’¹. A similar formulation is included in the enterprise agreement for Thyssen², which says that: ‘sexual harassment leads ... to a considerable restriction of the office atmosphere, work performance and well-being of the staff members.’

An enterprise agreement in the food industry in the Netherlands contains an annex relating to unwelcome intimacies/behaviour described as follows:

‘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’.

A number of agreements from the Netherlands emphasize the employer’s responsibility to create an environment which prevents sexual harassment. The agreements for the printing sector and the daily newspaper industry provide, in almost identical terms, that ‘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’⁴.

Definition

Potentially all employees can be victims of sexual harassment but collective bargainers follow the general experience that it is women who are most concerned with the issue, as sexual harassment is mostly directed at women as, for example, is made clear in VW and Thyssen agreements⁵.

Crucial for agreements on sexual harassment is the inclusion of a definition of harassment which relates to the perception of the employee who is harassed. In the Thyssen agreement in the German steel industry, which deals explicitly and exclusively with sexual harassment, it is the perception of the harassed employee which determines whether or not harassment has occurred⁶. Similarly in the Volkswagen agreement in the car manufacturing industry, the perception and feelings of the employee affected are crucial⁷.

¹ Germany, p. 36: Volkswagen AG.

² Germany, p. 110: Thyssen Stahl AG.

³ Netherlands, pp. 36-37: The CWA for Sigma Coatings.

⁴ Netherlands, p. 66: The CWA for the daily newspaper industry; p. 71: The CWAs for the printing industry (administrative and technical). Also, p. 57: The CWA for AVEBE (Article 7.3).

⁵ Germany, p.110: Volkswagen AG; p. 107: Thyssen Stahl AG.

⁶ Germany, pp. 34-35: Thyssen Stahl AG.

⁷ Germany, p. 37: Volkswagen AG.

Less far-reaching are definitions requiring a complaint of sexual harassment. In Ireland, the civil service policy on sexual harassment includes in its definition ‘unreciprocated, unsolicited behaviour of a sexual nature to which the recipient objects’, and furthermore ‘uninvited persistent pressure for dates which becomes offensive to the recipient and to which the recipient has made his/her objections known to the officer making the requests’⁸.

Some agreements distinguish between harassment from superiors and from others and regard sexual harassment which takes place in the context of a hierarchical relationship in the workplace as particularly grave. An agreement in the metalworking industry in Spain appears to draw a careful distinction between harassment by superiors (‘relational’) and from others (‘environmental’)⁹. ‘Relational sexual harassment’ is defined as occurring in situations in which:

‘acceptance of sexual blackmail becomes an implicit or explicit condition of employment, either in terms of obtaining employment or in terms of maintaining or improving existing job status’.

This is characterized as very serious misconduct. ‘Environmental sexual harassment’ is defined as:

‘any behaviour or approach of a sexual nature... that creates a negative working environment for the person experiencing it, by giving rise to a working environment that is offensive, humiliating, intimidating or hostile and has the result of interfering in that person's usual performance at work’.

This is characterized as serious or very serious misconduct, depending on the circumstances.

Emphasis is often placed, as in agreements in two enterprises (wholesale food distribution and supermarkets) in Luxembourg, on the specially grave nature of the offence if committed by the immediate superior of the employee¹⁰. Similarly, an agreement in the glass-making/ceramics industries in Spain states that the misconduct is deemed to be worse when sexual harassment takes place within an hierarchical relationship¹¹.

Two agreements in Germany give detailed examples. In the VW agreements¹², sexual harassment is seen, for example, as:

- unwelcome physical contact;
- insinuating remarks, comments or jokes on the employee;
- showing of sexist or pornographic pictures (for example pin-up-calendars);
- demanding sexual acts;
- hints that sexual concession could result in occupational advantages.’

⁸ Ireland, pp. 9-11: Irish civil service.

⁹ Spain, p. 9: XIIth collective agreement covering the metal-printing industry in Catalonia, 1996, Articles 41.1 and 42.1.

¹⁰ Luxembourg, p. 13: Conventions collectives de travail de Match Luxembourg S.A. et Courthéoux S.A., 1995/96.

¹¹ Spain, p. 17: National collective agreement covering the extractive industries, glass-making industries, ceramics industry and industries exclusively dealing with the sale of these materials, 1996.

¹² Germany, pp. 114-115: Volkswagen AG.



In the definition in the Thyssen agreement, sexual harassment includes¹³:

- ‘sexual actions and behaviours which according to criminal law are a punishable offence;
- other sexual actions and demands as well as these, sexual determined physical contact, remarks of a sexual nature as well as the showing and visibly putting up of pornographic pictures which are clearly disapproved of by the person affected.’

Preventive Measures

The plant agreement for Thyssen tries to prevent harassment in advance, as well as guaranteeing that harassed employees are given protection. Preventative measures include sexual harassment awareness training and the provision of information, especially for managers and employee representatives¹⁴. A list of supportive measures is included in the VW agreement¹⁵. In Italy an agreement in the health service specifies special training for the ‘confidential counsellors’, so that they can become expert in training and in the prevention and processing of cases¹⁶.

Complaints, Procedures, Rights, Support

One core issue in the collective agreements on sexual harassment focuses on how complaints of sexual harassment are to be handled. These provisions include procedures for the protection of the harassed employee, which can set out assistance and support mechanisms, the identification of persons or committees responsible for handling the complaint, the rights of the harassed employee and explicit statements that employees complaining of harassment are not to be discriminated against in any way.

In the Thyssen plant agreement, employees alleging harassment are to make their complaint to the employer, who is to act on it immediately and take appropriate measures. Complaints are to be made to supervisors, the personnel department or the works council. There is a right to stop work if no protection is provided¹⁷.

In Italy, an agreement in local government specifies procedures for dealing with cases, formal and informal; for example, in case of legal proceedings, the local authority provides legal assistance, and also psychological support to the victims¹⁸.

In the UK, in the printing industry, guidelines encourage complainants to seek advice, support and counselling in total confidence, and a complaint does not necessarily imply recourse to formal disciplinary or grievance procedures. However, the first step suggested is to make it clear to the harasser that the behaviour is unwelcome. If this fails, the grievance procedure may be used, allowing for representation for all concerned and the problem is to be handled with

¹³ Germany, p. 110: Thyssen Stahl AG.

¹⁴ Germany, p. 35: Thyssen Stahl AG.

¹⁵ Germany, p. 37: Volkswagen AG.

¹⁶ Italy, p. 49: Accordo tra la Direzione della Unità sociosanitaria locale (USSL) n. 21 e 22 di Padova ed Este, le organizzazioni sindacali e la Consigliera di parità provinciale, 1994.

¹⁷ Germany, pp. 35-36: Thyssen Stahl AG.

¹⁸ Italy, p. 44: Accordo tra ANCI Toscana e CGIL-CISL-UIL per l'adozione di ‘Codice di Condotta per la tutela della dignità delle persone’, 1994.

sensitivity and due respect for the rights of both parties. If the complaint is upheld, action should be taken to stop the harassment and prevent its reoccurrence, without detriment to the harassed employee¹⁹.

In the UK, a number of organizations provide for specially designated persons to handle complaints of sexual harassment. These are part of an initial informal process for dealing with complaints in the British Broadcasting Corporation. The complainant can contact their direct superior, but, if the employee feels unable to do this, they can contact equal opportunities officers, nursing or medical staff, or specially-appointed harassment advisors. The advisors are mainly people employed in personnel and are briefed on the harassment procedures and, where appropriate, also receive training in counselling skills. They may be from outside the employee's department or from a different location. The complainant can talk to the harassment advisor in total confidence. The advisor does not approach the harasser. If contact is necessary, the chief personnel officer decides how the matter should be handled²⁰.

Sanctions

The provisions on sanctions define sexual harassment as a violation of contract or a breach of official duties and include disciplinary sanctions, transfer, dismissal and special sanctions in the case of reprisals by the harasser against the complainant. Zero-tolerance of harassment is the underlying motif of the sanctions provided for.

In Austria, the provincial administration in Salzburg specified that sexual harassment constituted a breach of official duty²¹. The plant agreement for Thyssen in the German steel industry specified that there is no tolerance of sexual harassment, and any such act is a violation of contract leading to possible dismissal or transfer²². An Austrian agreement in an association for social work stated that sexual harassment was grounds for dismissal²³.

A policy on sexual harassment in an enterprise in the textiles industry in Ireland, drawn up in consultation with the SIPTU trade union, provides that 'if a complaint is substantiated, it may be regarded as serious misconduct and could result in disciplinary sanction up to and including dismissal'. This is reported as showing that the company views sexual harassment as a most serious offence²⁴.

In the UK, the procedure in the post office states that disciplinary action aims to stop harassment recurring, and 'every effort would be made to move the harasser and not the person who has been harassed, unless it is his or her desire to do so'²⁵.

¹⁹ UK, para. 197: The printing industry.

²⁰ UK, para. 192: British Broadcasting Corporation.

²¹ Austria, p. 43: Provincial legislation on the equal treatment of women and men and the advancement of women in the provincial administration of Salzburg.

²² Germany, p. 35: Thyssen Stahl AG.

²³ Austria, p. 18: Company agreement concluded by the 'Verein für Bewahrungshilfe und Soziale Arbeit' (Association for probation and social work).

²⁴ Ireland, pp. 32-33: Fruit of the Loom International Limited.

²⁵ UK, para. 210: Royal Mail.



In Italy, a policy on sexual harassment, initiated by a trade union group and applied in municipal authorities in the Region of Tuscany, says that special sanctions are not envisaged for the specific crime of harassment, and makes reference instead to existing norms²⁶. Another agreement from the Sicilian city of Catania specifies sanctions for harassment and for acts of reprisal, direct and indirect, in case of complaint. Both are considered unacceptable behaviour²⁷. Reprisals are singled out for special sanctions in an agreement in the graphic arts, paper and publishing industries in Spain²⁸.

Supportive Measures

In Italy, the policy on sexual harassment initiated by a trade union group and applied in local authorities in the Region of Tuscany provides for the appointment of a 'confidential counsellor' (consigliera di fiducia) whose duty it is to provide help to the victim, in confidence²⁹.

In the major employer in the gas industry in the UK, a network of harassment counsellors was established, and names and locations of counsellors posted at every office or site. They are employees who have received training in harassment skills from a British Gas trainer who took a two-day course from an external consultant. They are mainly from personnel, or occupational health and welfare people. Counsellors should match the grade profile of a location, as employees may feel more comfortable talking to people in similar grades³⁰.

Alternatives include, in the Royal Bank of Scotland, a telephone helpline. This gives callers the names and locations of nine employees who have been trained in counselling skills³¹.

Extension of Provisions

In the German Volkswagen agreement in the car manufacturing industry, the 'enterprise is obliged to stop sexual harassment ... also in advertising and public relations'³². An extension of the ban of sexual harassment on staff from outside companies is included in the Thyssen agreement³³.

Reference to EU Instruments

Some agreements refer to the voluntary initiatives of the European Commission. In Ireland, the interprofessional agreement negotiated between the social partners and the Government provided for legislation on sexual harassment to be introduced taking into account the EC Recommendation and Code of Practice on the Protection of the Dignity of Women and Men at Work³⁴. In Italy, a policy initiated by a trade union group and applied in municipal authorities in

²⁶ Italy, p. 44: Accordo tra ANCI Toscana e CGIL-CISL-UIL per l'adozione di 'Codice di Condotta per la tutela della dignità delle persone', 1994.

²⁷ Italy, p. 47: Accordo su 'Codice di condotta contro le molestie sessuali nei luoghi di lavoro, per la tutela della dignità delle donne e degli uomini che lavorano nel comune di Catania', 1995.

²⁸ Spain, p. 20: Agreement covering the graphic arts, handling of paper and board, publishing and associated industries, 1994.

²⁹ Italy, p. 44: Accordo tra ANCI Toscana e CGIL-CISL-UIL per l'adozione di 'Codice di Condotta per la tutela della dignità delle persone', 1994.

³⁰ UK, para. 199: British Gas.

³¹ UK, para. 204: Royal Bank of Scotland.

³² Germany, p. 36: Volkswagen AG.

³³ Germany, p. 35: Thyssen Stahl AG.

³⁴ Ireland, p. 5: Programme for social and economic progress (1990-1993).

the Region of Tuscany makes explicit reference to EC Recommendation 92/132/21 of November 1991 and to the Code of Conduct³⁵. The enterprise agreement Thyssen (Germany) refers to the EC Recommendation³⁶.

Summary

The selected agreements and provision provide evidence that the problem of sexual harassment is recognized by the collective bargaining parties across the EU – except in the northern European countries – and across industrial sectors. The level of bargaining is at both sectoral and enterprise level, with a slight overrepresentation of the public services.

Some agreements are comprehensive, with provisions either on all or on the most relevant issues. In sum, all the selected provisions offer a good insight on perceptions of sexual harassment, its impact and the ways in which it can be regulated through collective agreements.

The selected agreements follow in principle the European Commissions' Recommendation on sexual harassment and 'code of practice' or refer explicitly to the EU instruments.

Several of the selected agreements emphasize that sexual harassment runs counter to the organization's culture and is a threat to the working atmosphere. Definitions of sexual harassment emphasize that it is the perception and feelings of the employee affected which are crucial. Distinctions are made between harassment by supervisors in a hierarchical relationship and by other employees. Some agreements describe sexual harassment and give examples.

Most of the agreements include detailed provisions on preventive measures, procedures on complaints, rights, protection and support of harassed employees as well as sanction for those found guilty of harassment, measures to prevent reoccurrence and supportive initiatives such as special training programmes, designed to raise awareness of the issue.

³⁵ Italy, p. 44: Accordo tra ANCI Toscana e CGIL-CISL-UIL per l'adozione di 'Codice di Condotta per la tutela della dignità delle persone', 1994.

³⁶ Germany, p. 107: Thyssen Stahl AG.

Table 6. *Selected agreements and provisions on sexual harassment*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Corporate culture/ working atmosphere</i>					
sexual harassment • corporate culture	sexual harassment is described in the context of other forms of discrimination as a 'serious disturbance of working peace', violation of dignity as well as 'right to live one's own life'	Germany	car manufacturing industry	enterprise	Volkswagen AG
sexual harassment • working atmosphere	'sexual harassment leads ... to a considerable restriction of the office atmosphere, work performance and well-being of the staff members.'	Germany	steel industry	enterprise	Thyssen Stahl AG
sexual harassment • working atmosphere • definition	'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' unwelcome intimacies/behaviour	Netherlands	food industry	enterprise	The CWA for Sigma Coatings
sexual harassment • working environment/corporate culture	employer's responsibility for creating an environment which precludes sexual harassment	Netherlands	• printing sector • newspaper industry	• sectoral • enterprise	• The CWA for the daily newspaper industry • The CWAs for the printing industry (administrative and technical) • The CWA for AVEBE (Article 7.3)

Table 6 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Definition</i>					
sexual harassment • definition • persons concerned	the perception and feelings of the employee affected are crucial 'Sexual harassment which is mostly directed towards women ...'	Germany	car manufacturing industry	enterprise	Volkswagen AG
sexual harassment • definition • persons concerned	perception of the harassed employee determines whether there is harassment 'In general experience, women especially are concerned.'	Germany	steel industry	enterprise	Thyssen Stahl AG
sexual harassment • definition	'unreciprocated, unsolicited behaviour of a sexual nature to which the recipient objects' 'uninvited persistent pressure for dates which becomes offensive to the recipient and to which the recipient has made his/her objections known to the officer making the requests'	Ireland	civil service	sectoral	Irish civil service
sexual harassment • hierarchical relationship	careful distinction between harassment • by superiors ('relational') and • from others ('environmental')	Spain	metalworking industry	sectoral	Collective agreement covering the metal-printing industry in Catalonia
sexual harassment • hierarchical relationship	emphasis is placed on the specially grave nature of sexual harassment by the hierarchical superior	Luxembourg	wholesale food distribution	enterprise	• Conventions collectives de travail de Match Luxembourg S.A. • Courthéoux S.A.

Table 6 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
sexual harassment • hierarchical relationship	the misconduct is deemed to be worse when sexual harassment takes place within an hierarchical relationship	Spain	glass-making/ ceramics industries	sectoral	National collective agreement covering the extractive industries, glass-making industries, ceramics industry and industries exclusively dealing with the sale of these materials
sexual harassment • description	<ul style="list-style-type: none"> • unwelcome physical contact • insinuating remarks, comments or jokes on the employee • showing of sexist or pornographic pictures (for example pin-up-calendars) • demanding sexual acts • hints that sexual concessions could result in occupational advantages 	Germany	car manufacturing industry	enterprise	Volkswagen AG
sexual harassment • description	<ul style="list-style-type: none"> • sexual actions and behaviours which according to criminal law are punishable offences • other sexual actions and demands, sexual determined physical contact, remarks with sexual content as well as showing and visibly putting up of pornographic pictures which are clearly disapproved of by the person affected 	Germany	steel industry	enterprise	Thyssen Stahl AG

Table 6 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Preventive measures</i>					
sexual harassment • preventive measures	<ul style="list-style-type: none"> • avoidance of harassment in advance through preventive measures: • raising awareness and providing information, especially for managers and employee representatives • target group related measures of further education 	Germany	steel industry	enterprise	Thyssen Stahl AG
sexual harassment • preventive measures	<ul style="list-style-type: none"> • raising staff awareness of the issue of sexual harassment through internal seminars • raising the awareness of participants especially in courses of further education for management positions, for supervisors and for employees of the personnel and health department • information and explanation 	Germany	car manufacturing industry	enterprise	Volkswagen AG
sexual harassment • preventive measures • special training	specifies special training for the 'confidential counsellor' so as to be expert in prevention, training and processing of cases	Italy	health service	sectoral	Accordo tra la Direzione della Unità sociosanitaria locale (USSL) n. 21 e 22 di Padova ed Este, le organizzazioni sindacali e la Consigliera di parità provinciale

Table 6 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Complaints, procedure, rights, support</i>					
sexual harassment • complaints • procedure • rights • avoiding disadvantages	<ul style="list-style-type: none"> • explicit right to complain to the employer • employer's obligation to follow complaints immediately and conscientiously and to take appropriate measures • complaints could be made against supervisors, the personnel department or the works council • right of the harassed employee to stop work without loss of payment if no protection is provided • protection of harassed employee • no discrimination against an employee complaining of sexual harassment 	Germany	steel industry	enterprise	Thyssen Stahl AG
sexual harassment • complaints • procedures • support	<ul style="list-style-type: none"> • procedures for dealing with cases • legal assistance • psychological support for victims 	Italy	local government	local	Accordo tra ANCI Toscana e CGIL-CISL-UIL per l'adozione di 'Codice di Condotta per la tutela della dignità delle persone'
sexual harassment • complaints • procedure • protection	<ul style="list-style-type: none"> • guidelines encourage complainants to seek advice, support and counselling in total confidence • complaint does not necessitate recourse to formal disciplinary or grievance procedures • the first step: make it clear to the harasser that the behaviour is unwelcome • use of grievance procedure if this fails 	UK	printing industry	sectoral	The printing industry

Table 6 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • action to stop the harassment and prevent its reoccurrence, without detriment to the harassed employee 				
sexual harassment <ul style="list-style-type: none"> • complaints • procedure • appointment of special counsellors 	<ul style="list-style-type: none"> • informal process for dealing with complaints • specially designated persons • complainant can contact direct superior, equal opportunities officers, nursing or medical staff, or specially-appointed harassment advisors 	UK	broadcasting	enterprise	British Broadcasting Corporation
<i>Sanctions</i>					
sexual harassment <ul style="list-style-type: none"> • sanctions 	sexual harassment constitutes a breach of official duty	Austria	provincial administration	local	Provincial legislation on the equal treatment of women and men and the advancement of women in the provincial administration of Salzburg
sexual harassment <ul style="list-style-type: none"> • sanctions 	<ul style="list-style-type: none"> • zero-tolerance of sexual harassment • violation of contract • possibly leading to: <ul style="list-style-type: none"> • dismissal • transfer 	Germany	steel industry	enterprise	Thyssen Stahl AG
sexual harassment <ul style="list-style-type: none"> • sanctions 	sexual harassment is grounds for dismissal	Austria	social work	enterprise	Company agreement concluded by the 'Verein für Bewährungshilfe und Soziale Arbeit' (Association for probation and social work)

Table 6 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
sexual harassment • sanctions	<ul style="list-style-type: none"> • company views sexual harassment as a most serious offence • sexual harassment is regarded as serious misconduct and could result in disciplinary sanction including dismissal 	Ireland	textiles industry	enterprise	Fruit of the Loom International Limited
sexual harassment • sanctions • avoiding disadvantages	disciplinary action aims to stop harassment recurring, and 'every effort would be made to move the harasser and not the person who has been harassed, unless it is his or her desire to do so'	UK	post office	enterprise	Royal Mail
sexual harassment • sanctions	in accordance with normal disciplinary procedures	Italy	municipal authorities (Tuscany)	sectoral regional	Accordo tra ANCI Toscana e CGIL-CISL-UIL per l'adozione di 'Codice di Condotta per la tutela della dignità delle persone'
sexual harassment • sanctions	sanctions for harassment and for acts of reprisal, direct and indirect, in case of complaint	Italy	city authority	local	Accordo su 'Codice di condotta contro le molestie sessuali nei luoghi di lavoro, per la tutela della dignità delle donne e degli uomini che lavorano nel comune di Catania'
sexual harassment • sanctions	special sanctions for reprisals	Spain	graphic arts, paper and publishing industries	sectoral	Agreement covering the graphic arts, handling of paper and board, publishing and associated industries

Table 6 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Supportive measures</i>					
sexual harassment • appointment of special counsellors	appointment of a 'confidential counsellor' (<i>consigliera di fiducia</i>) with duties to provide help, in confidence	Italy	municipal authorities (Tuscany)	sectoral regional	Accordo tra ANCI Toscana e CGIL-CISL-UIL per l'adozione di 'Codice di Condotta per la tutela della dignità delle persone'
sexual harassment • harassment counsellors	establishment of a network of specially trained harassment counsellors; counsellors should match the grade profile of a location	UK	gas industry	enterprise	British Gas
sexual harassment • telephone helpline	telephone helpline gives callers the names and locations of nine employees who have been trained in counselling skills	UK	banking sector	enterprise	Royal Bank of Scotland
<i>Extension of provisions</i>					
sexual harassment	obligation to stop sexual harassment from outside advertising and public relations personnel	Germany	car manufacturing industry	enterprise	Volkswagen AG
sexual harassment	staff from outside companies are included	Germany	steel industry	enterprise	Thyssen Stahl AG
<i>Reference to EU instruments</i>					
sexual harassment • reference to EU instruments	agreement negotiated between the social partners and the government provided for legislation on sexual harassment to be introduced, taking into account the EC Recommendation and Code of Practice on the Protection of the Dignity of Women and Men at Work	Ireland	interprofessional	national	Programme for social and economic progress (1990-1993)

Table 6 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
sexual harassment • reference to EU instruments	reference to EC Recommendation and Code of Conduct	Italy	municipal authorities (Tuscany)	sectoral regional	Accordo tra ANCI Toscana e CGIL-CISL-UIL per l'adozione di 'Codice di Condotta per la tutela della dignità delle persone'
sexual harassment • reference to EU instruments	reference to EC Recommendation	Germany	steel industry	enterprise	Thyssen Stahl AG




Chapter 5



Reconciliation of Work and Family

Parental Leave

Key Issues

As statutory regulations on parental leave or on maternity/paternity are in force in most countries, collective agreements may be of interest as they show how such legislation is applied in practice, or because they contain provisions which go beyond what is required by the legislation.

In this context it is important from an equal opportunities perspective that all collectively agreed provisions (beyond those required by biological and/or health reasons, ie, pregnancy and the post-natal care and leave) are gender neutral. All entitlements to leave or on the adaptation of working time must be the same both for mothers and fathers, or else they will reinforce the traditional distribution of family work and, as such, constitute a barrier to equal opportunities. The fact that it is women who predominantly take advantage of parental leave entitlements is no argument against parental leave. The lack of willingness on the part of fathers to avail of parental leave is both an expression of the current, adverse view that society takes of fathers doing family work, and an indication that the conditions under which parental leave is available are not sufficiently attractive as to encourage men to avail of it.

Thus, in the context of equal opportunities, ‘good’ parental leave agreements or provisions are those which give entitlements to both parents and allow such leave to be taken in a manner, and under such conditions, that the careers of employees with children do not suffer as a result.

Before reviewing agreements on leave, a distinction between provisions on parental leave and on maternity and paternity leave is essential.

Maternity leave describes a period of time – depending on the statutory regulations – of some weeks before and some weeks after the birth of the child. **Paternity leave** is an entitlement of fathers to leave of absence during the post-maternity period of the mother¹. **Parental leave** is a period following maternity or – alternately paternity – leave in which both mothers and fathers are entitled to leave of absence for some months or years.

For example, the Danish legislation provides maternity leave of 14 weeks after the birth. The father is entitled to two weeks leave after the birth, to be taken within the same 14 weeks. On top of these leave allowances, both parents are entitled to a further ten weeks leave.

Maternity leave, paternity leave and parental leave can overlap. The legal regulations differ from country to country as does the duration of the leave of absence and other relevant entitlements.

The main focus of the analysis of the selected agreements and provisions is on parental leave. Collective agreements can offer additional periods of leave. The leave of absence available to care for children differs. It can range from a period of months or up to five or six years as, for example, in Germany where employees have a potential combination of three years legal parental leave, followed by a period of collectively agreed leave provided for in sectoral agreements, and with additional leave available through enterprise level agreements. Part-time parental leave may be an alternative option for parents in the reconciliation of work and family.

As essential as the entitlement to leave and the duration of such leave is the legal status of employees taking collectively agreed parental leave. Suspension of employment is the most advantageous form as suspended employment guarantees the job of the mother or the father on leave and she or he remains an employee of the company. Reinstatement after parental leave is less favourable than suspension as this implies a termination of the employment relationship. The entitlement to reinstatement can range from a commitment to reinstate, to preferential consideration, to immediate reinstatement on request.

A key issue is the spelling of entitlements on return after leave. These can range from a commitment to return to the same job or to return to an equivalent job in the same occupational category.

Payment of parental leave can undoubtedly contribute to a redistribution of caring responsibility for children as between women and men. The statutory regulations range from no payment to payments of 80 or 90% of pre-leave salary, as in some Scandinavian countries. Payment while on parental leave is a critical incentive if fathers are to take up their entitlements to leave.

The 1998 Employment Guidelines emphasize the importance of policies on career breaks – as well as parental leave and part-time work². In order to facilitate reintegration into the labour

¹ Terry, Michael & Dickens, Linda, 'Paternity Leave: The right of the father to time off from work at or around the time of birth of his child.' *European Employment and Industrial Relations. Glossary: United Kingdom*, Luxembourg 1991, p.145.

² The 1998 Employment Guidelines, <http://europa.eu.int/en/comm/dg05/elm/summit/en/papers/guide2.htm>



market the Member States will: 'give specific attention to women, and men, considering a return to the paid workforce after an absence and, to that end, they will examine the means of gradually eliminating the obstacles in the way of such return³.'

The main areas dealt with in collective agreements cover training measures during parental leave, training measures in relation to reintegration into employment, ways of maintaining contact while on leave, for example, the provision of information and taking on temporary work, and how periods of leave are handled in personnel records, seniority accumulation etc.

EU Dimension

The directive on parental leave⁴ resulting from the framework agreement between the social partners within the social dialogue is the first outcome of the Maastricht social policy procedure and entitles male and female employees to at least three months parental leave for childcare purposes (as distinct from maternity leave).

Within the EU a variety of different legal provisions on parental leave exist⁵.

'For the majority of EU countries, the directive is unlikely to entail major changes to existing parental leave arrangements, but in many cases some detailed amendment or additional provision will be necessary, most frequently in the area of time off from work on grounds of *force majeure* for urgent family reasons⁶.'

The directive⁷ based on the Framework Agreement on Parental Leave sets out 'minimum requirements on parental leave and time off from work on grounds of *force majeure*, as an important means of reconciling work and family life and promoting equal opportunities and treatment between men and women.'

In the general considerations introducing the Framework Agreement, it is emphasized that 'men should be encouraged to assume an equal share of family responsibilities, for example, they should be encouraged to take parental leave by means such as awareness programmes.'

The main provisions of the directive are that it grants men and women workers an individual right to parental leave to enable them to take care of a child for at least three months, until a given age up to eight years to be defined by the Member States and/or management and labour. 'At the end of parental leave, workers shall have the right to return to the same job, or if that is not possible, to an equivalent or similar job consistent with their employment contract or employment relationship.'

³ The 1998 Employment Guidelines, <http://europa.eu.int/en/comm/dg05/elm/summit/en/papers/guide2.htm>

⁴ Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.

⁵ EIROBSERVER, Update 1/98, The EU parental leave agreement and Directive: Implications for law and practice.

⁶ EIROBSERVER, Update 1/98, The EU parental leave agreement and Directive: Implications for law and practice.

⁷ Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.

Member States and/or the social partners 'shall define the status of the employment contract or employment relationship for the period of parental leave' and 'decide whether parental leave is granted on a full-time or part-time basis, in a piecemeal way or in the form of a time-credit system' and 'make entitlement to parental leave subject to a period of work qualification and/or a length of service qualification which shall not exceed one year' Payment of parental leave is not mentioned in the directive.

Agreements and Provisions

Entitlement, duration, legal status and return

The following agreements offer periods of leave, without payment, for the care of children. Of interest are the provisions on the legal status of employees during the career break and the regulations on the jobs to be offered after return to employment.

In Germany, parental leave provisions are to be found in both sectoral agreements and enterprise agreements, which generally go beyond the legal entitlement⁸. With regard to the legal status of the employment relationship, two different forms of parental leave or release from work after the legal parental leave entitlement is exhausted are covered. These are the entitlement to suspended employment or a (preferential) right of reinstatement. Some sectoral agreements have been altered and now contain provisions on suspended employment during the period of collectively agreed parental leave, replacing previous provisions which only gave an entitlement to reinstatement. Some agreements stress that parental leave is, in principle, a task for fathers as well as mothers. There is a tendency in more recent agreements to explicitly encourage fathers to take parental leave or to avail of reduced working time opportunities. This contrasts with older agreements which implicitly seemed to accept that it was mothers who primarily carried parental responsibilities.

A national agreement for white-collar employees in the public sector in Germany entitles employees to special leave for family reasons of up to five years, with a suspended employment relationship⁹. Similar agreements exist for blue-collar workers.

A shorter period of leave is provided for in the national agreement for the banking sector¹⁰. This provides for a return to work after legal and additional collectively agreed parental leave, up to a maximum of three and a half years. Again, during parental leave the employment relationship is suspended. This provision represents an improvement compared with the entitlement to reinstatement in the 1989 agreement.

Several agreements in Germany (banking and insurance sectors, some regional agreements in the retail trade and several plant agreements) offer the option of a part-time release from work instead of full parental leave. This is an important feature as a full parental leave may not be practicable for, or acceptable to, all mothers or fathers.

⁸ Federal Education Payment Act (Bundeserziehungsgeldgesetz) 1994.

⁹ Germany, p. 26: Federal Employees' Collective Agreement.

¹⁰ Germany, p. 9: Banking Business.



For example, an agreement for the retail trade in North Rhine-Westphalia which gives an entitlement to a collectively agreed parental leave period of one and a half years, with suspended employment, after legal parental leave of three years, allows for such leave to be taken on a partial basis, (part-time employment) instead of on a full-time basis¹¹. The period of leave of absence can be taken in two sections (each section to last at least six months). In cases where both parents work in the company, the one and a half years entitlement is only given once but can be divided between the two parents. Employees are entitled to employment in a similar job in the company after parental leave without this being set out in a contract clause, ie, a restriction common in the majority of agreements.

An interesting variant of release from work is agreed in the industry-wide collective agreement for the paper, cardboard, synthetic material industry¹². This agreement offers the option of release from work or reduced working time for 'personal reasons' for a period of up to four years with suspended employment. Release from work for family reasons is mentioned as an example. As these provisions are not related to the date of the birth of the child, they offer parents more flexibility for individual decisions.

In the UK, British Gas has negotiated a special career break agreement¹³. The details are as follows: (i) the employee resigns from employment; (ii) the duration of the break is a minimum three months, maximum two years, to be agreed; (iii) the agreed date of return may be changed, either brought forward or delayed; (iv) where both partners work for British Gas, they can share the period of the career break; (v) a maximum of two career breaks is allowed.

As regards their return to work: (i) they will be offered an appropriate post at the same level and at the same or a different location; (ii) on appropriate terms and conditions; (iii) with the same salary as prior to the career break unless they are offered a higher graded job, or a lower graded job is requested by the employee.

A scheme in the banking sector allows for long-term breaks to cover family and care responsibilities¹⁴. The scheme allows for a maximum of five years consisting of no more than three breaks. On returning to work, the employee is employed on terms not less favourable than prior to absence.

Provisions on parental leave in the Spanish photographic industry entitle workers to a leave of absence, of no more than three years, to care for each child¹⁵. This agreement additionally provides for voluntary leave of absence for a period of three months to five years. Employees with a length-of-service record of two years or more are covered. Applications for voluntary leave of absence do not require 'specifying grounds'. The worker shall be reinstated in the post he or she occupied at the time of requesting leave of absence.

¹¹ Germany, p. 17: Retail trade North Rhine-Westphalia.

¹² Germany, p. 40: Paper, cardboard, synthetic material industry Hessen.

¹³ UK, paras. 79-83: British Gas.

¹⁴ UK, para. 85-86: The Co-operative Bank.

¹⁵ Spain, p. 45: The collective agreement covering the photographic industry, 1994.

In a railways agreement, leave of absence is permitted, when both partners are working, with the job being kept open; subsequent children give entitlement to fresh periods of leave of absence¹⁶. An agreement in the retail trade provides that the job is kept open for the first year of leave of absence¹⁷ and in the iron and steel industry immediate reinstatement in the previous post on return is guaranteed¹⁸. The worker concerned is to be reinstated in the occupational category in which he or she was included prior to the period of leave of absence.

An enterprise agreement in the metalworking industry in Germany is very detailed. The agreement declares that its intention is¹⁹:

‘to contribute to equal opportunities of women and men and the compatibility of family and work with the model 'Family and work'. The education of children is a substantial individual and social task. This is why it is in the interest of [the employer] to offer family friendly working conditions to the staff and to make return to work possible as well as preserve the professional experiences of staff for [the employer]’.

The specific provisions of this agreement include the promise of reinstatement for a limited period (called: family intermission) beyond the legal parental leave; resumption, at the latest, at the beginning of the next month after the fifth birthday of the child; discussions between supervisor and employee on legal parental leave at the latest six months after the birth of the child with regard to reinstatement; the commitment to reinstatement offers an equivalent job as before the birth of the child (subject to an appropriate vacancy being available); the term ‘equivalent job’ can mean a range of +/- two salary groups.

Another enterprise agreement in the German food processing industry entitles employees returning from parental leave to a job which corresponds to the job they had before starting parental leave with regard to grading and job content²⁰.

In the UK, an agreement in the chemical industry provides a guarantee of return to a job on the same grade, and all efforts are made for the job to be of the same nature and in same department as before the break, to avoid unduly disrupting the career²¹.

In the Dutch insurance sector, employees are given the opportunity to extend leave once by six months beyond statutory parental leave but the employer retains the right to refuse their request if the interests of the company do not permit it²².

¹⁶ Spain, p. 49: XIth collective agreement covering Red Nacional de los Ferrocarriles Espanoles [RENFE – Spanish National Railways Networks], 1995.

¹⁷ Spain, p. 52: XXIIIrd collective agreement covering supermarkets and self-service food outlets, 1995.

¹⁸ Spain, p. 38: Agreement covering the iron and steel industry in the Province of Barcelona, 1994.

¹⁹ Germany, p. 28: Hewlett-Packard Ltd., Boblingen.

²⁰ Germany, p. 6: Wilhelm Weber GmbH.

²¹ UK, paras. 90-92: Imperial Chemical Industries.

²² Netherlands, p. 24: The CWA for medical insurers.



In Italy, a national agreement in the financial sector allows unpaid leave for family, personal or educational reasons up to one year maximum²³. Another agreement in the retail sector provides for a period of 12 months unpaid leave²⁴. An agreement in a banking enterprise provides for unpaid leave, of not more than 12 months, for illness of a child (three to six years old) and for reasons related to the care of children²⁵.

An enterprise agreement in the retail trade in France addresses the specific issue of financing career breaks. It allows for full-time or part-time leave up to the child's third year, but allows the parent/employee to accumulate extra paid working time prior to leave in order to finance the parental leave²⁶.

In Luxembourg, in an agreement in the retail trade, a supermarket chain allows for 12 months 'education (of child) leave'²⁷.

In Portugal, a sectoral agreement in the food processing industry allows the parents to decide jointly who takes parental leave²⁸. This provision is part of a clause on protection of maternity and paternity which entitles female employees to maternity leave of 98 days and gives the option for the parents to decide which of them will take leave following childbirth.

Paid parental leave

One major issue reviewed in the research is the failure of men to take parental/paternity leave because they lose money when benefits are less than full pay. Full pay for parental leave is important, therefore, as it induces more men to take leave. It also reduces the stigma of the instability of female employment if men take leave more often.

In Denmark, maternity leave is regulated by legislation, and entitlement to benefits applies to mothers and fathers. In the public sector, and the financial private sector, employees on leave receive full pay. There are also a number of enterprise-based agreements on pay during maternity leave²⁹.

In the interprofessional agreement in industry, in practice, the maximum entitlement gives full pay to 80% of eligible employees, and 90-95% of full pay to the other 20%. However, most of those who still lose money are men. The DI set up an industry maternity fund to reimburse employers, to which all pay contributions. The scheme only covers the 14 weeks of maternity leave and the two weeks of paternity leave, but not the additional ten weeks of combined parental

²³ Italy, p. 10: CCNL: Aziende de credito, 1994.

²⁴ Italy, p. 12: CCNL: Accordo aziendale Coop Liguria.

²⁵ Italy, p. 21: Contratto aziendale della banca Ambroveneto 1993.

²⁶ France, p. 42: Accord d'entreprise IKEA, 20.3.1995.

²⁷ Luxembourg, pp. 9-11: Conventions collectives de travail de Match Luxembourg S.A. et Courthéoux S.A., 1995/1996.

²⁸ Portugal, p. 65: CCT between ANCIPA (Associação Nacional de Comerciantes Industriais de Produtos Alimentares (crisps, aperitifs and related division) and the FSIABT (Federação dos Sindicatos dos Trabalhadores das Industrias de Alimentação, Bebidas e Tabacos, 1996, clause 61.

²⁹ Denmark, pp. 10-11.

leave³⁰. The agreement in the financial sector provides full pay for all leave, ie, 14 weeks maternity leave, two weeks paternity leave and ten weeks of parental leave³¹.

In Sweden, collective agreements covering parenthood first appeared in the 1940s, and were gender (women)-specific. Today, comprehensive parental insurance is available through the general social security system. The main objective for most Swedish agreements is to improve the opportunities for parents to combine their paid jobs with their responsibilities for the family. Collective agreements now add bonuses to the general insurance system³².

Innovative agreements, therefore, look to other issues and attempt more sophisticated regulation of recognized problems, eg, encouraging fathers to take parental leave. The statutory system imposes a ceiling on parental insurance payments, which means lower compensation for higher incomes. This is reported to explain many fathers' reluctance to take up parental leave. In order to increase the amount of time fathers spend on childcare, a 'hard quota' was introduced in 1995. Now, 30 days parental grant must be retained by one parent and cannot be transferred to the other. During the 'hard quota' period, the amount of compensation paid is higher than normal.

A collective agreement in the insurance sector attempts to address this issue³³. Since it is primarily fathers who take short parental leave and leave/payments linked to weekends, this agreement provides for a bonus payment linked to leave, divided over a maximum of three periods and comprising a total of 90 days (63 working days) in an 18-month period, to prevent it being concentrated at weekends.

Since 1991, in the Netherlands the Parental Leave Act provides unpaid leave, though a minimum hours threshold excludes many part-time women. The fact that the leave is unpaid, again, acts as a disincentive for men. Good collective agreements attempt to redress this problem.

A large proportion of Dutch government staff are covered by a scheme for paid parental leave, which provides for 80% of pay³⁴. One such collective agreement includes conditions similar to the legislation, but with the difference that the employee continues to work a minimum of 19 hours per week, and the employer pays 60% of the wage over the leave period (= 80% of total wage). There is also provision for longer unpaid leave; reducing working time to a minimum of 24 hours for a maximum of two years; the right to restoration of original working hours; facilities for childcare; and possible transfer to part-time work, with overtime premia when work exceeds the usual part-time hours³⁵. Another agreement includes less favourable provisions but provides for paid parental leave beyond the statutory regulations. Parents must continue to work for a

³⁰ Denmark, pp. 11-13: Confederation of Danish Industries (DI) and Central Organisation of Industrial Employees in Denmark: Industry Agreement, 1995; S. 34 – Maternity Scheme.

³¹ Denmark, pp. 13-14: Association of Employers in the Financial Sector and Financial Confederation Agreement, 1995; S. 11: Pregnancy and Maternity.

³² Sweden, pp. 29-30: (Swedish parliament); cf the SAF 1980 equal opportunities programme.

³³ Sweden, pp. 31-32: (Insurance sector: Agreement on general terms of employment, etc. for Folksam employees, 1995) (pp. 54-55).

³⁴ Netherlands, pp. 7-8, 13.

³⁵ Netherlands, pp. 14-15: The CWA for the Employment Service.



minimum of 50% of full working hours. Beyond the statutory parental leave period they receive 25% of their salary during leave. During the period of parental leave they receive 62.5% of their last pay packet³⁶.

Career break – reintegration into employment

Many agreements on parental leave seek to overcome problems associated with both the salary and career progression of employees who take such leave. Other issues highlighted by many such agreements are how to maintain contact between the employee on leave and the organization, and how to handle their subsequent reintegration into employment.

An agreement in the Swedish insurance sector addresses the potential impact of parental leave on salary progression and includes a provision that the employee's salary is to be reviewed after a return to work following full-time parental leave. This was introduced in 1995 after it was noticed that the salaries of returners tended to lag behind those of fellow employees³⁷. It is considered one of the more innovative and important provisions as wage fixing procedures in Sweden become more individualized.

In two countries, Germany and the UK, there are examples of extremely elaborate agreements on career breaks. In Germany both sectoral and enterprise agreements emphasize maintaining contact during leave and include clauses on reintegration into employment which stress the importance of continuing internal or external training. One enterprise agreement in the metalworking industry focuses on safeguarding and developing professional qualifications while on leave and before reinstatement³⁸. Employees on leave are treated like internal applicants when applying for a job. Provisions cover reintegration and provide for any training necessary. The employer pays the fees for courses of further training, in accordance with relevant training guidelines.

Agreements in the UK seek to sustain the assumption that the break is a temporary one. Arrangements are usually made to ensure that contact is maintained between the employee and the firm, and employees may be required to undertake occasional training and regular periods of work.

Examples of such 'keep-in-touch' schemes include the agreement covering the largest employer in the gas industry in the UK³⁹. The agreement aims:

'to enable those employees who choose to leave the Company to care for their child, either at the end of their Maternity Leave or, in the case of male employees, at the end of their partner's maternity leave, to maintain contact with the Company for a period of up to five years'.

³⁶ Netherlands, p. 20: The CWA for Youth Assistance.

³⁷ Sweden, pp. 33-34 (Wage Agreement between KFO and the Swedish National Union of Insurance Company Employees [Forsakringstjanstemannaforbundet] (FTF)).

³⁸ Germany, p. 28: Hewlett-Packard Ltd., Boblingen – plant agreement.

³⁹ UK, paras. 79-83: British Gas.

As regards contact during the career break, employees continue to receive company communications and briefings, may continue education or training and may take temporary employment.

When they return to work, they will be offered an appropriate post at the same level and at the same or a different location, on appropriate terms and conditions, with the same salary as prior to the career break, unless they are offered a higher graded job, or they themselves request a lower graded job, while service will be continuous with the period prior to the break.

The agreement also includes a 'reservist scheme'. This is open to employees from the date of resignation for a period of up to five years. Former employees are 'kept in touch' and they continue to receive company communications. Former employees may request to see vacancy notices (internal and external). They will receive such notices for six months from the date of their request. If they apply for suitable jobs during a five-year period, they will be given preference over other external applicants. But there is no guarantee of an offer of a job. Former employees may be offered occasional temporary work by the company.

A provision in the national agreement for the German banking sector takes the former period of employment into account after a return to work⁴⁰. The establishment and development of qualification should be investigated and taken advantage of during parental leave.

The period of parental leave accounts for years of occupational and job experience but not for company seniority in an agreement for the retail trade⁴¹. Employees on parental leave are given preferential consideration for temporary work and have access to the company's programmes of further education.

An enterprise agreement in the chemical industry states⁴²:

'Wacker-Chemie GmbH and the works council of Wacker-Chemie GmbH consider the compatibility of work with the social commitment to members of the family (children, parents) and the reintegration of former employees after times of education as substantial elements of personnel policy'.

An enterprise agreement in the food processing industry gives employees on parental leave access to further education⁴³. The costs of further education are to be divided between employees and employer. Other measures include offers of work to employees on parental leave to cover for holiday and sickness absences.

In Austria, agreements in the public sector provide for career breaks: information on job opportunities, discussion on deployment; other jobs, maintaining contact⁴⁴; and, particularly, the

⁴⁰ Germany, p. 9: Banking Business.

⁴¹ Germany, p. 17: Retail trade North Rhine-Westphalia.

⁴² Germany, p. 21: Wacker-Chemie GmbH.

⁴³ Germany, p. 6: Wilhelm-Weber GmbH.

⁴⁴ Austria, p. 37: Plan for the advancement of women in the Federal Ministry of Economic Affairs.

resumption of work: support after unpaid leave, targeted training and preferential admission to seminars⁴⁵.

Similarly, in Italy an agreement in the financial sector provides training courses for those absent for long periods to assist with reintegration⁴⁶.

In Spain, in sectors as different as railways and the retail trade, there are agreements covering the problems associated with leave of absence. In the railways sector the period of leave is taken into account in the workers' length of service record; workers taking leave may take part in competitions for transfers and promotion as if they were still at work⁴⁷. In the agreement in the retail trade, there is a right to attend training courses for workers who are taking leave of absence, to facilitate their return to work. Absence for childcare is included in length of service records⁴⁸.

In the UK a scheme in the banking sector allows for education and voluntary work⁴⁹. The employee will be required to work for ten days a year during a break. Continuity of service is maintained, but pension contributions only recommence upon return.

Under a scheme in the chemicals industry, a nominated manager is responsible for maintaining contact with the employee, who receives company newsletters and communications, and is encouraged and supported to undertake further training and obtain professional qualifications⁵⁰. Persons on career break are required to do at least two weeks paid work per year, often holiday cover, full- or part-time.

Benefits, including share options and long service awards, take previous service into account on return. From January 1991, employees were able to participate in the pension scheme during the break.

Provisions related to maternity leave

Besides the provisions discussed above on parental leave, which give equal entitlements to mothers and fathers, some interesting provisions on maternity leave or paternity leave in the period following the birth of a child were also noted.

Collective agreements may exceed the legislative provision for maternity pay. In the UK, the collective agreement in the gas industry exceeds the basic statutory entitlement (subject to repayment if the employee fails to return for three months). Holiday entitlement, including statutory days, accrues during the maternity leave period. Membership of both profit-sharing and sharesave schemes continues, pensionable service is counted and, where applicable, the employee

⁴⁵ Austria, p. 40: Plan for the advancement of women in the Arbeitsmarktservice Osterreichs [Austrian employment service].

⁴⁶ Italy, p. 10: CCNL: Aziende de credito, 1994.

⁴⁷ Spain, p. 49: XIth collective agreement covering Red Nacional de los Ferrocarriles Espanoles [RENFE – Spanish National Railways Networks], 1995.

⁴⁸ Spain, p. 52: XXIIIrd collective agreement covering supermarkets and self-service food outlets, 1995.

⁴⁹ UK, para. 85-86: The Co-operative Bank.

⁵⁰ UK, paras. 90-92: Imperial Chemical Industries.

continues to be covered by private medical insurance. Employees retain company cars and any company loans and, where applicable, professional subscriptions are paid⁵¹.

Special consideration may be given to the position of women on maternity leave regarding promotion. In Ireland, in the civil service, during a period of absence on maternity leave (up to 14 weeks), an employee is to be treated as if she has not been so absent, and such employees should continue to be considered for promotion in the usual way while on maternity leave. If selected for promotion, the timing of their appointment in the new grade should not be affected by the fact that they are on maternity leave⁵².

In the UK, three agreements make provision for returners. A gas industry agreement allows job sharing for employees returning to work. Flexible hours or shorter contractual hours options are available and would normally be granted subject to operational requirements. Both permanent and temporary arrangements are considered. Employees who consider a return to work in the same capacity as before maternity leave (or a suitable alternative) to be impracticable may consider the following options: a return to work on an alternative contract, a career break or registration with the company's 'reservist scheme' for former employees⁵³. Under a local government agreement, returning on reduced hours is common, if not the norm. There is a job-sharing scheme, a career break scheme, flexi-time and 'flexi-place' arrangements⁵⁴.

Finally, there are provisions which deal with the working conditions of returners. In Spain, a collective agreement in the food sector provides for a one-hour reduction in working hours for breast-feeding and the possibility of reducing working hours by one hour at the beginning or end of the working day. The latter right is available to either the father or the mother⁵⁵.

Summary

Following the variety of statutory provisions on entitlement to, and duration of, leave for childcare, collective agreements and provisions on reconciliation of work and family differ between countries.

The collectively agreed provisions go beyond the legislation or focus on the implementation of legal regulations at enterprise level.

The selected collective agreements on parental leave were negotiated across countries and sectors, predominantly at the sectoral or enterprise level.

In some countries such as Denmark, Sweden and the Netherlands, with statutory regulation on payment for parental leave, collective agreements provide additional payments. Especially in the

⁵¹ UK, paras. 35-36: British Gas.

⁵² Ireland, pp. 9-10.

⁵³ UK, para. 37: British Gas.

⁵⁴ UK, para. 49: Oxfordshire County Council.

⁵⁵ Spain, p. 57: The first collective agreement covering producers of pizzas and pre-cooked products for home delivery, 1994.



Scandinavian context, these provisions are seen as a way of motivating more men to take up parental or paternity leave.

The Dutch provisions which require that employees on parental leave work a minimum number of hours while on such leave are interesting as they ensure the continuation of a link between employees caring for children and the workplace and so help to avoid some of the potential disadvantages of full-time parental leave.

Besides the issue of payment, the provisions on entitlement to parental leave, its duration, the legal status of employees on leave and how they are to be reintegrated into the job are core issues for collective agreements.

The duration of collectively agreed periods of parental leave can range from a period of some months up to a period of four or five years. The legal status of employees on parental leave runs from a suspension of the employment relationship to a commitment to reinstatement.

Several agreements from different countries and sectors emphasize the right to return to the same job or to a similar job in the same category or grade.

Other interesting, innovative features are agreements allowing parental leave to be taken up in two sections. This gives more discretion to parents to organize childcare. Partial leave of absence is an important alternative as full parental leave is not practicable for, or acceptable to, all mothers or fathers, some of whom may wish to make alternative arrangements which better fit with their own needs and wishes.

Some agreements allow for a division of parental leave when both parents work for the same company.

With regard to career breaks, the Swedish agreement in the insurance sector, which provides for a review of the employee's salary after a return to work following full-time parental leave, is an interesting and innovative feature which could probably be combined with a general review of pay structure, as discussed in the section on pay equity.

The emphasis on procedures to keep contact between the organization and employees on leave (information, education and training, temporary work) and how best to reintegrate them into the workforce after their return is beneficial for both the organization and the employee.

It is also necessary in collective agreements to decide how periods spent on parental leave are to be handled in service records so as to minimize the career disadvantages that can arise for employees in reconciling work and family life.

Table 7. *Selected agreements and provisions on parental leave*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Entitlement, duration, legal status of parental leave and return</i>					
parental leave • special (parental) leave • suspend employment	<ul style="list-style-type: none"> • special leave for family reasons up to five years • suspend employment during parental leave 	Germany	public sector	sectoral	Federal Employees' Collective Agreement
parental leave • suspend employment	<ul style="list-style-type: none"> • entitlement to return to the enterprises after legal and additional collectively agreed parental leave (altogether up to a maximum of three and a half years) • during parental leave employment is suspended • (improvement compared with the entitlement to reinstatement in the previous agreement) 	Germany	banking business	sectoral	Banking business
parental leave • two sections • suspend employment • partial leave • division between parents	<ul style="list-style-type: none"> • entitlement to collectively agreed parental leave after legal parental leave (one and a half years) • maximum duration of legal and collectively agreed parental leave is five years in all • parental leave can be taken up in two sections; each section of at least six months • suspended employment during parental leave • entitlement to employment in a similar job in the company after parental leave without any contract clause • a partial leave of absence (part-time employment) instead of full-time leave of absence 	Germany	retail trade	sectoral	Retail Trade North Rhine-Westphalia

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> in the case of both parents working in the company the entitlement is given once; a division is possible 				
leave for personal reasons <ul style="list-style-type: none"> suspend employment independent of date of birth 	<ul style="list-style-type: none"> up to four years family reasons are one example legal status: suspended employment not related to the date of birth of a child – thus offering more flexibility for individual decisions of parents 	Germany	paper, cardboard, industry	sectoral synthetic material	IG Chemie, Papier, Keramik/ for number of regional districts
parental leave <ul style="list-style-type: none"> division between parents reinstatement 	<ul style="list-style-type: none"> legal status: employee resigns from employment duration: minimum three months – maximum two years parents can share the period of career break if both work for British Gas a maximum of two career breaks is allowed return to work: offer of an appropriate post at the same level and at the same or a different location on appropriate terms and conditions same salary as prior to career break unless a higher graded job is offered or a lower graded job is requested by the employee 	UK	public utility gas industry	enterprise	British Gas
parental leave <ul style="list-style-type: none"> reinstatement 	<ul style="list-style-type: none"> long-term breaks to cover family and care responsibilities maximum: five years consisting of no more than three breaks 	UK	banking sector	enterprise	The Co-operative Bank

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> returning to work: employment on terms not less favourable than prior to absence 				
parental leave <ul style="list-style-type: none"> maternity leave paternity leave voluntary leave reinstatement 	<ul style="list-style-type: none"> leave of absence (parental leave), of no more than three years – for each child option for parents to decide whether the father takes up to four of the last weeks of the period of absence of mother due to maternity voluntary leave of absence for a period of three months to five years application without specifying grounds reinstatement in the post he or she occupied at the time of requesting leave of absence 	Spain	photographic industry	sectoral	Photographic industry
parental leave <ul style="list-style-type: none"> reservation of post 	<ul style="list-style-type: none"> leave of absence (when both partners are working) with the job kept open subsequent children give entitlement to a new period of leave of absence 	Spain	railways	sectoral	XIth collective agreement covering Red Nacional de los Ferrocarriles Espanoles [RENFE – Spanish National Railways Networks]
parental leave <ul style="list-style-type: none"> reservation of post 	job kept open for the first year of leave of absence	Spain	retail trade	sectoral	XXIIIrd collective agreement covering supermarkets and self-service food outlets
parental leave <ul style="list-style-type: none"> reinstatement 	<ul style="list-style-type: none"> leave of absence immediate reinstatement on return reinstatement in the previous occupational category 	Spain	iron and steel industry	sectoral	Agreement covering the iron and steel industry in the Province of Barcelona

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
parental leave • reinstatement	<ul style="list-style-type: none"> • up to five years including legal parental leave (three years) • legal status: commitment to reinstatement • the commitment to reinstatement applies for an equivalent job as before the birth of the child (provided there is an appropriate vacancy); the term 'equivalent job' can mean a range of +/- two salary groups 	Germany	metal industry	plant	Hewlett-Packard Ltd., Böblingen
parental leave	<ul style="list-style-type: none"> • entitlement of employees returning from parental leave to a job which corresponds to the job they had before starting parental leave with regard to grading and job content 	Germany	food processing industry	company	Wilhelm Weber GmH
• parental leave	<ul style="list-style-type: none"> • guarantee of return to a job on the same grade (as far as possible a job of the same nature and in the same department) 	UK	chemical industry	enterprise	Imperial Chemical Industries
parental leave • extension	<ul style="list-style-type: none"> • parental leave beyond statutory parental leave • employees are given the opportunity to extend this leave once by six months 	Netherlands	insurance sector	sectoral	The CWA for medical insurers
leave for personal reasons	<ul style="list-style-type: none"> • unpaid leave • family reasons are one example • up to one year 	Italy	financial sector	sectoral	CCNL: Aziende de credito
parental leave	12 months unpaid leave	Italy	retail sector	enterprise	CCNL: Accordo aziendale Coop Liguria
parental leave	12 months unpaid leave	Italy	banking sector	enterprise	Contratto aziendale della banca Ambroveneto

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
parental leave/ working time	<ul style="list-style-type: none"> • full-time or part-time leave up to the child's third year • the parent/employee can accumulate extra paid working time prior to leave in order to 'finance' the parental leave 	France	retail trade	enterprise	Accord d'entreprise IKEA
parental leave • reinstatement	<ul style="list-style-type: none"> • 'education (of child) leave' • 12 months • guarantee of re-employment 	Luxembourg	retail trade	enterprise	Conventions collectives de travail de Match Luxembourg S.A.
parental leave • maternity leave • paternity leave	<ul style="list-style-type: none"> • joint decision, who takes leave following childbirth • entitlement to maternity leave of 98 days 	Portugal	food processing	sectoral	CCT between ANCIPA (Associacao Nacional de Comerciantes Industriais de Produtos Alimentares (crisps, aperitifs and related division) and the FSIABT (Federacao dos Sindicatos dos Trabalhadores das Industrias de Alimentacao, Bebidas e Tabacos
<i>Paid parental leave</i>					
parental leave • maternity leave • paternity leave • payment	<ul style="list-style-type: none"> • provisions beyond legislation on maternity and paternity leave • entitlement to full pay • DI set up an Industry Maternity Fund to reimburse employers • covers only 14 weeks of maternity and two weeks paternity leave – but not the last ten weeks of combined parental leave following the period of maternity 	Denmark	interprofessional	national	Confederation of Danish Industries (DI) and Central Organization of Industrial Employees in Denmark: Industry Agreement

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
parental leave • full pay	<ul style="list-style-type: none"> • full pay for all leave • 14 weeks maternity (mother) • two weeks paternity (for men) • ten weeks parental leave following the period of 14 weeks after birth 	Denmark	financial sector	sectoral	Association of Employers in the Financial Sector and Financial Confederation Agreement
parental leave • paid parental leave	<ul style="list-style-type: none"> • provision concerning short parental leave and payments • bonus payment linked to leave divided between a maximum of three periods and comprising a total of 90 days (63 working days) in an 18-month period, to prevent it being concentrated at weekends 	Sweden	insurance sector	sectoral	KFO and the Swedish National Union of Insurance Company Employees [Forsakringstjanstemannaforbundet] (FTF)
parental leave • paid leave	<ul style="list-style-type: none"> • employees who continue working a minimum 19 hours per week are paid 60% of the wage over the leave period by the employer (= 80% of total wage) • longer unpaid leave 	Netherlands	other services	sectoral	The CWA for the Employment Service
parental leave • paid leave	<ul style="list-style-type: none"> • paid parental leave beyond statutory regulations • parents must continue to work for a minimum of 50% of full working hours • beyond the statutory regulation on parental leave they receive 25% of their salary during their leave • during the period of parental leave they receive 62.5% of their last pay packet 	Netherlands	other services	sectoral	The CWA for Youth Assistance

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Career break – reintegration into employment</i>					
career break • review of salary	• review of the employee's salary after a return to work following full-time parental leave	Sweden	insurance sector	sectoral	KFO and the Swedish National Union of Insurance Company Employees [Forsakringstjanstemannaforbundet] (FTF)
career break • qualification • recruitment • training	<ul style="list-style-type: none"> • preservation and adaptation of professional qualifications during the period up to the reinstatement • employees on parental leave or during family intermission are treated like internal applicants when applying for a job • reintegration and training plan • employer pays fees for courses of further training according to the guidelines for training 	Germany	metal industry	enterprise	Hewlett-Packard Ltd., Böblingen
career break • contact • temporary work • 'reservist scheme' • recruitment	<ul style="list-style-type: none"> • 'keep-in-touch' schemes to maintain contact for a period of up to five years • contact during career break/parental leave: <ul style="list-style-type: none"> • employees receive company communications and briefings • continue education or training • temporary work • 'continuous service with the period prior to the break' 	UK	public utility gas industry	enterprise	British Gas

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • ‘reservist scheme’ • from the date of resignation for up to five years • vacancy notices (internal and external) on request • preference over external applicants for suitable jobs – no guarantee of an offer of a job 				
career break • qualification • length of service record	<ul style="list-style-type: none"> • establishment and development of qualification should be investigated and taken advantage of during parental leave • the former period of employment will be taken into account after return 	Germany	banking business	sectoral	Banking Business
career break • qualification • length of service record • temporary work	<ul style="list-style-type: none"> • period of parental leave accounts for years of occupational and job experience but not for company seniority • preferential consideration of employees on parental leave for temporary work • access to the company's programmes of further education 	Germany	retail trade	sectoral	Retail Trade North Rhine-Westphalia
career break • keeping contact • reintegration	<ul style="list-style-type: none"> • temporary work during leave • further training • support during reintegration after parental leave 	Germany	chemical industry	enterprise	Wacker-Chemie GmbH (Burghausen)

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
career break • qualification • keeping contact	<ul style="list-style-type: none"> • employees on parental leave have access to offers of further education • costs of further education will be divided between employees and employer • offer of holiday and sickness replacement work to employees on parental leave 	Germany	food processing industry	enterprise	Wilhelm Weber GmH
career break • qualification • keeping contact	<ul style="list-style-type: none"> • information on job opportunities • discussion on deployment • other jobs, maintaining contact 	Austria	public sector	local	Plan for the advancement of women in the Federal Ministry of Economic Affairs
career break • qualification • keeping contact	<ul style="list-style-type: none"> • discussions on deployment, targeted training and preferential admission to seminars 	Austria	public sector	local	Plan for the advancement of women in the Arbeitsmarkt-service Österreichs (Austrian employment service)
career break • qualification	<ul style="list-style-type: none"> • training courses 	Italy	financial sector	sectoral	CCNL: Aziende de credito
career break • length of service record • promotion	<ul style="list-style-type: none"> • period of leave of absence for paternity or maternity is taken into account in the length of service record • workers taking leave may take part in competitions for transfers and promotion as if they were still at work 	Spain	railways	sectoral	Collective agreement covering Red Nacional de los Ferrocarriles Espanoles [RENFE – Spanish National Railways Networks]

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
career break • qualification • length of service record	<ul style="list-style-type: none"> • right to attend training courses during leave of absence • inclusion of leave of absence for childcare into length of service record 	Spain	retail trade	sectoral	Collective agreement covering supermarkets and self-service food outlets
career break • qualification • voluntary work	<ul style="list-style-type: none"> • the employee will be required to work for ten days a year during a break • continuity of service is maintained, but pension contributions recommence upon return 	UK	banking sector	enterprise	The Co-operative Bank
career break • qualification • voluntary work	<ul style="list-style-type: none"> • keeping contact • nomination of a responsible manager • company newsletters and communication • encouragement of further training and professional qualifications • employees are required to do at least two weeks paid work per year (often holiday cover, full- or part-time) • period of reinduction • benefits (including share options and long service award) take previous service into account on return • participation in the pension scheme during break 	UK	chemical industry	enterprise	Imperial Chemical Industries
<i>Provisions related to maternity leave</i>					
maternity pay	exceeding legislative provision, including all fringe benefits	UK	gas industry	enterprise	British Gas

Table 7 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
maternity leave	promotion during maternity leave (up to 14 weeks)	Ireland	civil service	sectoral	Civil Service
return after maternity leave job sharing working time arrangements	<ul style="list-style-type: none"> • job sharing • flexible hours or shorter contractual hours options • both permanent or temporary arrangements • return to work on an alternative contract • registration with the career break or 'reservist scheme' 	UK	gas industry	enterprise	British Gas
return after maternity leave • job sharing • working time	<ul style="list-style-type: none"> • returning on reduced hours • job-sharing scheme • career break scheme • flexi-time and flexi-place arrangement 	UK	local government	local	Oxfordshire County Council
return after maternity leave • breast feeding • working time arrangement	<ul style="list-style-type: none"> • return after maternity leave • breast-feeding – one hour reduction in working time • possibility of reducing working time by one hour at the beginning or end of the working day 	Spain	food sector	sectoral	The first collective agreement covering producers of pizzas and pre-cooked products for home delivery



Family Leave

Key Issues

Agreements on family leave for short-term reasons such as to care for a sick child or to care for dependants can help employees in reconciling work and family life. Such agreements are distinct from entitlements to parental leave which are designed for longer periods of care and for the education of children, during the first years of their life.

EU Dimension

The parental leave directive includes provisions for short-term family leave⁵⁶. Workers shall be entitled to time off from work 'on grounds of *force majeure* for urgent family reasons in cases of sickness or accident making the immediate presence of the worker indispensable.' This entitlement may be limited to a certain amount of time per year and/or per case.

Within the Member States the existing statutory provisions for family leave differ⁵⁷.

Agreements and Provisions

Family leave provisions may cover paid or unpaid leave, be limited to children or others, cover illness or other events, and have more or less explicit aims to redistribute family care responsibilities between men and women.

Short term leave for unexpected events

In Denmark, an agreement in the insurance sector provides for up to two days whole or part-time leave with pay to care for sick children, and if they require hospitalization, up to eight days on full pay. Leave without pay may also be granted. If there is serious illness, whole or part-time leave up to 13 weeks may be granted with full pay, including holiday entitlement, pension contributions and seniority entitlement. Similarly, in the case of care for a dying or terminally ill person (both provisions are linked to the Social Assistance Act). Serious illness and care for the terminally ill is regulated by law, but this agreement is better as it provides for full pay⁵⁸. A similar agreement in the financial sector limits time off without pay to care for sick children to five days⁵⁹.

An agreement in the Danish public sector (national, regional and local), covering all kinds of professions, includes provision for time off for caring: ten days per child until age 18⁶⁰.

⁵⁶ Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC

⁵⁷ EIROBSERVER, Update 1/98, The EU parental leave agreement and Directive: Implications for law and practice.

⁵⁸ Denmark, p. 19: Association of Employers in the Financial Sector (FA) and Danish Insurance Employees' Association (DFL): Agreement on conditions of pay and employment in the insurance sector, 1995; SS. 32 and 33: Care of a sick child, and S. 34 Care of persons dying.

⁵⁹ Denmark, p. 21: Association of Employers in the Financial Sector (FA) and Financial Confederation: Agreement on conditions of pay and employment in the banking sector 1995; S. 13: Time off in connection with children's illnesses.

⁶⁰ Denmark, pp. 14-17: National Association of Municipal Authorities in Denmark; Association of County Authorities, Metropolitan District of Copenhagen, Frederiksberg, Association of Local Government Officers and Group Contract Employees: Maternity and Care Agreement.

In the Netherlands, the provisions on parental leave in the Employment Conditions Agreement for the public sector include compassionate leave, covering care for next of kin or for unexpected events creating an emergency: a maximum of 3 x 8 hours per year.

In Belgium, an agreement from the National Labour Council (Conseil national du Travail) provides for a right to unpaid leave (maximum ten days per annum) for imperative reasons: illness, accident or hospitalization of a person living under the same roof, of a parent or first degree relation⁶¹.

In the UK, an agreement in local government allows, under the Council's compassionate leave scheme, up to ten days paid leave, to be granted at the chief officer's discretion, provided no other arrangements can reasonably be made⁶².

An agreement in the footwear sector allows for paid time off for up to seven days a year to care for sick children (minors) and time off rights to cover care in the home and doctor's appointments. Time off may be requested by either the father or the mother⁶³.

In Finland, agreements aim to distribute family care responsibilities between men and women. An equality plan in the broadcasting sector states that men will be encouraged to use their right to paternity and parental leave, and to child-care leave and care of sick children⁶⁴.

An agreement in a paper-manufacturing enterprise includes the following clause regarding family-related issues⁶⁵:

‘By endeavouring to change attitudes, an effort will be made to promote better distribution between parents and guardians of family care leave (paternity, childcare and short temporary absence leave) thus balancing out the effects these have on what is normally the career development of just one sex.

If possible a more flexible procedure will be pursued in organizing work and working hours if so required by matters relating to family care policy’⁶⁶.

An agreement in the chemicals and related products sector in Spain provides entitlement to time off, without loss of pay, to attend medical appointments for oneself, where both partners are employed; this entitlement is extended to attending medical appointments with children who are still minors, a parent or spouse⁶⁷.

⁶¹ Belgium, p. 41: Convention collective de travail no. 45 CNT du 19 décembre 1989, instaurant un congé pour des raisons impérieuses.

⁶² UK, para. 50: Oxfordshire County Council.

⁶³ Spain, p. 54: Collective agreement covering the sector producing hand-made, orthopaedic and made-to-measure footwear and workshops specializing in the repair and maintenance of used footwear, 1995.

⁶⁴ Finland, p. 13: The Finnish Broadcasting Company (YLE) Equality Plan, 1991.

⁶⁵ Finland, p. 18: The Metsa-Serla Oy equality plan for its plants at Aankoski.

⁶⁶ It should be noted here, as there are subsequent references to these two cited cases in the broadcasting and paper manufacturing sectors, that, as indicated in its title, these are not collective agreements (and hence not binding) but rather are positive action programmes. The frequency of reference in this Report to these two equality plans in Finland should not disguise their relatively less important role.

⁶⁷ Spain, p. 43: Collective agreement covering the sector involved in the sale of industrial chemical products, drugs, perfumes and associated products, 1993.



Short-term leave related to school holidays

An agreement in the Spanish photographic industry allows for leave during school holidays for workers with children of nursery-school or school age (in enterprises with more than 100 workers)⁶⁸.

Medium-term leave for family reasons

In Italy, agreements provide a variety of entitlements. A national agreement in the financial sector allows unpaid leave for family, personal or educational reasons up to one year maximum and unpaid leave to care for children (age three to four years old) with grave illnesses⁶⁹. An agreement in a banking enterprise provides for unpaid leave, of not more than 12 months, for illness of a child (three to six years old) and for reasons related to care of children⁷⁰.

An agreement in the Dutch insurance sector allows unpaid leave to care for a seriously ill partner, child or parent, if dependent. This can last six months, with minimum working of 16 hours per week⁷¹.

In Spain, a number of sectoral agreements contain relevant provisions. An iron and steel industry agreement provides voluntary leave of absence to care for relatives suffering serious disability; the period of voluntary leave of absence to be not less than one year and not more than five years, accompanied by an entitlement to keep the job open⁷².

The perfume and associated industries agreement states that time off may be granted to both male and female workers, where the spouse also works, to care for their spouse, parents or unmarried children suffering from serious illness, provided they live under the same roof as the worker. The maximum period of time off is one year, with automatic reinstatement in the previous post at the end of the period of time off⁷³.

Summary

Most of the selected provisions on family leave are negotiated in sectoral agreements across countries and sectors. There are a multitude of such agreements on short- or medium-term family leave to care for children and dependent family members.

Some provisions include paid leave, a combination of paid leave for some days coupled with unpaid leave for a longer period, or an alternative of full-time or part-time leave.

⁶⁸ Spain, pp. 45-46: Collective agreement covering the photographic industry, 1994.

⁶⁹ Italy, p. 10: CCNL: Aziende de credito, 1994.

⁷⁰ Italy:, p. 21: Contratto aziendale della banca Ambroveneto 1993.

⁷¹ Netherlands, pp. 17, 19: The CWA for medical insurers.

⁷² Spain, p. 38: Agreement covering the iron and steel industry in the Province of Barcelona, 1994.

⁷³ Spain, p. 41: Collective agreement covering the perfume industry and associated industries, 1994.

Table 8. *Selected agreements and provisions on family leave*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Short-term leave for unexpected events</i>					
family leave • provisions beyond legislation • full pay • leave without payment • whole or part-time leave to care for children or relatives	<ul style="list-style-type: none"> • provisions going beyond regulation by law by providing for full pay • two days (whole or part-time) leave with full pay to care for sick children • up to eight days on full pay if they require hospitalization • leave without pay may also be granted • whole or part-time leave up to 13 weeks with full pay in the case of serious illness (including holiday entitlement, pension contributions and seniority entitlement) the same applies in the case of care for a dying or terminally ill person 	Denmark	insurance sector	sectoral	Association of Employers in the Financial Sector (FA)/Danish Insurance Employees' Association (DFL)
family leave	<ul style="list-style-type: none"> • 'similar agreement' [as in the insurance sector] • limits time off for sick children without pay to five days 	Denmark	financial sector	sectoral	Association of Employers in the Financial Sector (FA)/Financial Confederation
family leave care leave	ten days per child, until age 18, time off for caring	Denmark	public sector	sectoral	National Association of Municipal Authorities in Denmark; Association of County Authorities, Metropolitan District of Copenhagen, Frederiksberg, Association of Local Government Officers and Group Contract Employees

Table 8 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
family leave care leave	<ul style="list-style-type: none"> • compassionate leave, covering care for next of kin or for unexpected events creating an emergency • 3 x 8 hours per year 	Netherlands	public sector	sectoral	Employment Conditions Agreements
family leave	<ul style="list-style-type: none"> • unpaid leave (maximum ten days) for imperative reasons 	Belgium	private sector	interprofessional	Convention collective de travail no. 45 CNT
family leave	<ul style="list-style-type: none"> • compassionate leave scheme • up to ten days paid leave, to be granted at the chief officer's discretion 	UK	public sector	local	Oxfordshire County Council
care leave	<ul style="list-style-type: none"> • paid time off up to seven days a year • care for sick children 	Spain	footwear sector	sectoral	Collective agreement covering the sector producing hand-made, orthopaedic and made-to-measure footwear and workshops specializing in the repair and maintenance of used footwear
childcare leave care for sick children	<ul style="list-style-type: none"> • encouragement to fathers to take up statutory entitlement to short-term childcare leave 	Finland	broadcasting sector	company	The Finnish Broadcasting Company (YLR) – Equality Plan
medical appointments	<ul style="list-style-type: none"> • attending medical appointments with children, parent or spouse 	Spain	chemicals or related products sector	sectoral	Collective agreement covering the sector involved in the sale of industrial chemical products, drugs, perfumes and associated products

Table 8 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Short-term leave related to school holidays</i>					
leave during school holidays	<ul style="list-style-type: none"> • leave during school holidays – at least 15 days • children of nursery-school or school age • in enterprises with more than 100 workers 	Spain	photographic industry	sectoral	Collective agreement covering the photographic industry
<i>Middle-term leave for family reasons</i>					
care for sick children	<ul style="list-style-type: none"> • unpaid leave to care for children (age three to four years old) 	Italy	financial sector	sectoral	CCNL: Aziende de credito, 1994
childcare leave care of sick children	<ul style="list-style-type: none"> • unpaid leave for reasons related to care of children • for illness of a child (three to six years old) 	Italy	banking sector	enterprise	Contratto aziendale della banca Ambroveneto
care leave	<ul style="list-style-type: none"> • unpaid care leave • six months, with minimum working of 16 hours per week 	Netherlands	insurance sector	sectoral	The CWA for medical insurers
leave of absence care leave	<ul style="list-style-type: none"> • voluntary leave of absence to care for relatives suffering serious disability • period not less than one year and not more than five years • entitlement to keep job open 	Spain	iron and steel industry	sectoral	Agreement covering the iron and steel industry in the Province of Barcelona
care leave	<ul style="list-style-type: none"> • care for family members suffering from serious illness • maximum: one year • reinstatement in the previous job 	Spain	perfume and associated industries	sectoral	Collective agreement covering the perfume industry and associated industries



Childcare

Key Issues

Care facilities provided by the company and/or support for parents are a means of meeting the needs of employees with children. The provision of day-care facilities with flexible opening hours, help with fees or support of parents' initiatives are important in this regard.

EU Dimension

The Recommendation on childcare⁷⁴ was adopted as part of the Community's Third Equal Opportunities Action Programme(1991-1995) and the Commission's Social Action Programme accompanying the 1989 Community Charter of the Fundamental Social Rights of Workers. Both emphasized the importance of measures to enable men and women to reconcile work and family life⁷⁵. The Recommendation encourages the social partners 'to make a financial contribution to the creation and/or operation of coherent childcare services which can be afforded by parents and which offer them a choice.'

And the recommendation supports action 'within the framework of collective agreements, to create an environment, structure and organization of work which take into account the needs of all working parents with responsibility for the care and upbringing of children.'

The 1998 Employment Guidelines include a statement on childcare: 'There must be an adequate provision of good quality care for children and other dependents in order to support women's and men's entry and continued participation in the labour markets. The Member States will: strive to raise levels of access to care services where some needs are not currently met⁷⁶.'

Agreements and Provisions

Agreements in different countries cover many different aspects of childcare.

A first step is to establish the need for such provision. In Austria, an agreement in a department of the Federal civil service requires an annual assessment of the demand for childcare places for the children of staff⁷⁷.

In the banking sector in the UK, in 1987, childcare began to be looked at as part of the Midland Bank's equal opportunities initiatives. But the rationale behind the initiative also included considerations of demographic changes and the cost of losing trained staff. Demographic changes led to predictions of labour shortages in the 1990s. Childcare was seen as a means of attracting, and increasingly, of retaining women employees. At the time, some 56% of Midland's 60,000 employees were women. Cost benefit estimates demonstrated that providing care for a child from birth to four years only cost about 40-50% of the cost of losing an experienced member of staff. Childcare was seen as a commercially profitable proposition.

⁷⁴ Council Recommendation of 31 March 1992 on child care (92/241/EEC).

⁷⁵ EIRONLINE February 1998 'Commission highlights importance of good quality childcare'.

⁷⁶ The 1998 Employment Guidelines, <http://europa.eu.int/en/comm/dg05/elm/summit/en/papers/guide2.htm>

⁷⁷ Austria, p. 33: Plan for the advancement of women in the Federal Ministry of Science, Research and the Arts.

The banking unions were involved in discussions which led to the planning of three pilot nursery schemes. In 1989 a major commitment was made. The national trade union officer of the Banking and Finance Union (BIFU) responsible for negotiations with the Bank said the union was very positive about and proud of the nursery programme⁷⁸.

Agreements, particularly from the UK, demonstrate the different ways in which childcare arrangements can be established and operated: the advantages of joint ventures or partnerships among employers; the operation of childcare facilities (direct employees; contracted out to independent contractors; reserved places in existing nurseries); and financial arrangements (premises, subsidized fees, one-off payments/loans, underwriting costs).

The system of childcare adopted by the Midland Bank in the UK for staff in its branches was one whereby the vast majority of nurseries are operated in partnership with other organizations, mostly joint ventures with local education authorities, or health authorities, or private nurseries. This enables costs and risks to be shared, and widens opportunities for finding suitable premises, eg, with organizations which have premises not being fully utilized.

An example is the nursery resulting from a partnership arrangement between the bank and a hospital (the Royal Berkshire Hospital in Reading). The hospital provided premises, and the bank paid for the conversion and equipment. It has space for 50 children, 17 reserved by Midland employees' children, with quotas for different age groups. It is open from 7-19 h, Monday to Friday, throughout the year. Staff are employees of the hospital⁷⁹.

Other involved civil service agencies are located in one area of the UK. The project was undertaken by a number of government departments. Some 12,000 civil servants are employed in the area. Beginning in November 1990, the nursery began to operate in what had been a telephone exchange formerly used by the Inland Revenue, but made surplus to requirements by computerization. Conversion costs were shared among the departments. The nursery is run on a three-year contract by an independent contractor who was successful in a competitive tender⁸⁰.

Financial arrangements are also very varied. In the scheme run by the Midland Bank in the UK, fees for places are subsidized by the bank on a sliding scale according to income, coupled with a basic flat payment for everyone⁸¹.

The scheme run for the civil service agencies in the UK charges parents, but is subsidized by about 50%⁸².

Another UK employer provided premises on-site and made a one-off loan of £600. Otherwise, the scheme was self-financing, with charges to parents, but it also benefits from donations and fund-raising activities⁸³.

⁷⁸ UK, paras. 53-59.

⁷⁹ UK, paras. 57-58: Midland Bank.

⁸⁰ UK, paras. 60-61: Civil Service – Bootle.

⁸¹ UK, para. 56: Midland Bank.

⁸² UK, para. 62: Civil Service – Bootle.

⁸³ UK, para. 67: Ordnance Survey.



The broadcasting authority in Ireland (RTE) created the RTE Childcare Co-op, in conjunction with the Trade Union Group⁸⁴. A childcare cooperative was established in 1987, located on site. RTE bears the cost of the building and maintenance. The Childcare Co-op is run on a cooperative basis, with an overall management committee working in conjunction with an operational committee, elected by parents whose children attend the crèche.

Since 1989, in the Netherlands the government has had a policy of encouraging child nursery places⁸⁵. This allows for subsidized places, paid for by the Government, together with places financed by the company. A collective agreement would be considered a ‘good agreement’ where it obliges the employer to offer a substantial number of such nursery places. In one agreement in the insurance sector the employer invested 0.4% of the wage bill in childcare⁸⁶.

Selection of those eligible to benefit, where there is significant demand, is also covered in collective agreements. In the UK, under the Midland Bank scheme, any employee, male or female, who has a satisfactory performance rating may apply for a nursery place. Where there are not enough places, selection criteria operate, which look primarily to the business needs of the bank, and the personal circumstances of the individual⁸⁷. Under the scheme run for the civil service agencies in the UK, there were places for 40 children; priority for initial places in one agency was given on the basis of hardship criteria: domestic, health or economic⁸⁸.

Summary

Provisions on childcare in the selected agreements include different features ranging from reservation of childcare places for the children of staff in existing nurseries to the creation of childcare places in joint partnership arrangements among employers or in joint partnerships including local authorities.

Other measures include the financing of premises, subsidized fees or one-off payments/loans.

⁸⁴ Ireland, p. 27: RTE (Radio Telefis Éireann).

⁸⁵ Netherlands, pp. 6, 39.

⁸⁶ Netherlands, p. 19: The CWA for medical insurers.

⁸⁷ UK, para. 56: Midland Bank.

⁸⁸ UK, para. 62: Civil Service – Bootle (Health and Safety Executive agency).

Table 9. *Selected agreements and provisions on childcare*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
childcare • childcare places	<ul style="list-style-type: none"> • annual assessment of the demand for childcare places for children of staff 	Austria	Federal civil service	local	Plan for the advancement of women in the Federal Ministry of Science, Research and the Arts
childcare • childcare places • opening hours • fees	<ul style="list-style-type: none"> • partnership arrangement between the bank and a hospital: The hospital provided premises, and the bank paid for the conversion and equipment. • space for 50 children, 17 reserved by Midland employees' children, with quotas for different age groups • open from 7-19 h, Monday to Friday, throughout the year • fees for the places are subsidized by the bank on a sliding scale according to income and a flat rate for everyone 	UK	banking sector	enterprise	Midland Bank
childcare • nursery • fees	<ul style="list-style-type: none"> • nursery run on a three-year contract by an independent contractor • The project was undertaken by a number of government departments: conversion costs for the nursery were shared among the departments • scheme charges parents, but is subsidized by about 50% 	UK	civil service	sectoral	Civil Service – Bootle

Table 9 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
childcare • premises on-site • one-off loan • fees	<ul style="list-style-type: none"> • employer provided premises on-site and made a one-off loan of £600 • otherwise, the scheme was self-financing, with charges to parents, but also benefits from donations and fund-raising activities 	UK			Ordnance Survey
childcare • childcare cooperative	<ul style="list-style-type: none"> • childcare cooperative in conjunction with the Trade Union Group • located on site • RTE bears the cost of the building and maintenance • childcare co-op is run with an overall management committee working in conjunction with an operational committee, elected by parents whose children attend the crèche 	Ireland	broadcasting	enterprise	RTE (Radio Telefis Éireann)
childcare • nursery places	<ul style="list-style-type: none"> • investment by the employer of 0.4 % of the wage bill in childcare 	Netherlands	insurance sector	enterprise	The CWA for medical insurers
childcare • selection of those eligible	<ul style="list-style-type: none"> • any employee who has a satisfactory performance rating may apply for a nursery place • selection criteria operate if there are not enough places, based primarily on the business needs of the bank and the personal circumstances of the individual 	UK	banking sector	enterprise	Midland Bank
childcare • selection of those eligible	<ul style="list-style-type: none"> • places for 40 children • priority for initial places in one agency was given on the basis of hardship criteria: domestic, health or economic 	UK	civil service	agencies	Civil Service – Bootle (Health and Safety Executive agency)



Chapter 6

Working Time

Reduced Working Time and Part-time Work

Key Issues

Working time arrangements are an important consideration for mothers and fathers, or for employees caring for dependent relatives, in attempting to reconcile work and family life.

In order to avoid reinforcing the image of part-time work as unqualified, badly paid employment for working mothers who lack career aspirations, collective agreements should focus on existing working time cultures and try to make reduced working time or part-time work more attractive and acceptable to both women and men. Agreements which entitle only women to reduced or flexible working time arrangements are not appropriate in equal opportunities policies.

Agreements allowing for ‘qualified’ part-time work, ie, part-time work or reduced working time at all hierarchical levels is an essential element of equal opportunities policies on working time and poses a challenge to current working time cultures. The most effective way of doing this is to audit all posts to see if they can be divided or are amenable to a reduction in working time. The possibility of the job being done on a shared- or part-time basis should be stated in all job descriptions or else a justification as to why a certain job is not suitable to be done on such a basis should be included.

Several forms of adaptation of working time can assist in reconciling professional and family life at different stages of family life. Changes in the volume of working time can range from a reduction of a few hours to half-day working. Mothers and fathers should be entitled to a transfer from full-time work to part-time work and – just as important – to return to full-time work in

their job or at least to a job at the same level. In order to challenge working time cultures it is essential that agreements contain a provision obliging an employer to objectively justify rejections of requests to change working time arrangement.

In order to meet the needs of parents or employees caring for family members, preferential consideration of internal applicants for part-time, or full-time, jobs should be supported by the provision of information on vacancies for such jobs.

Employees who wish to opt for part-time work should be made aware of existing social security regulations, especially if such regulations require the working of a minimum number of weekly hours before employees are covered for social security benefits.

The equal treatment of employees working part-time or reduced working time with regard to pay and other conditions of employment should be a matter of course. Provisions emphasizing the equal access of part-timers to training programmes and promotion are of crucial importance.

Provision should also be made to count time spent on part-time work for seniority purposes as if such work were full-time eg, a year spent working half-time counts as a full year for seniority purposes.

Flexibility for parents as regards the beginning and end of daily working-time can help in synchronizing working time with the opening hours of day care institutions or with school time tables.

EU Dimension

The European Commission adopted a proposal for a directive to transpose the social partners' framework agreement on part-time work into European law. This is the second time that an agreement reached by the European social partners has been submitted to the Council for adoption¹.

On 15 December 1997, the Council of Labour and Social Affairs unanimously adopted a directive to implement the framework agreement on part-time work concluded by UNICE, CEEP and ETUC on 6 June 1997².

The provisions of the European Framework Agreement on Part-Time Work includes provisions important for equal opportunities³.

¹ EIRONLINE July 1997.

² EIRONLINE December 1997.

³ European Framework Agreement on Part-Time Work, 6 June 1997.



Agreements and Provisions

Creation of part-time jobs

Agreements in the Netherlands were notable for attempting to expand part-time working by setting targets for the number of part-time workers to be employed as a proportion of the workforce as a whole⁴, or by providing incentives to encourage part-time working⁵.

‘Qualified’ part-time work

An improvement in the quality of part-time work can only be achieved if, in principle, all jobs are treated as suitable for part-time work. This major requirement of working time adaptation or reduction had been taken up in several agreements.

In the German banking business the national sectoral agreement⁶ states that part-time work should be possible at all occupational levels. An enterprise agreement for Commerzbank, referring to this sectoral agreement, emphasizes the change in the nature of working time requirements for both the company and the employees :

‘The bank and the general works council agree that the demands on the organization of company time have become more complex and differentiated. Very different demands in the company with regard to organizational requirements and economic working processes meet with the diverse and individual wishes of the staff concerning the location and length of their working time.’

Measures agreed include the introduction of part-time work in all areas of responsibility and in all departments, the checking of each vacancy to see if it could be done as a part-time job, and a statement in every internal job advertisement as to whether it could be filled by a part-timer.

A plant agreement in the German chemical industry says that the establishment of part-time jobs can be an opportunity for harmonizing the company’s and employees’ personal interests⁸:

‘In principle, only those jobs are excluded from being filled by part-timers which are regarded as not divisible by the supervisor for clear reasons’.

One way to achieve the aim of increasing part-time work at all hierarchical levels is the inclusion of understandable, objective statements in all job specifications as to whether the position is divisible and suitable for part-time work.

An agreement in the Dutch building materials trade states that no jobs will be excluded in advance from part-time work⁹. Vacancies or new jobs will be systematically evaluated regarding

⁴ Netherlands, p. 25: The CWA for the building supplies trade – target of 15% part-time workers; p. 26: The CWA for Heineken – target of 10% of employees.

⁵ Netherlands, pp. 30-31: The CWA for the Joint Administration Office; The CWA for Unilever.

⁶ Germany, p. 9: Banking business.

⁷ Germany, p. 11: Commerzbank AG.

⁸ Germany, p. 21: Wacker-Chemie GmbH, Burghausen.

⁹ Netherlands, p. 82: The CA for the building materials trade.

suitability for part-time work. In Luxembourg, in an agreement in the retail trade, in principle, no type of job is excluded from part-time work¹⁰.

The agreement for Frankfurt Airport explicitly includes the opportunity for temporary working time reductions in management positions for women and men for understandable family reasons¹¹.

In Austria, arrangements in one federal ministry include clauses on hours of work/part-time working. Part-time work is not to be a bar to promotion, and management posts are to be organized so as to be compatible with childcare and family responsibilities. Job descriptions for management are not to stipulate hours of work as a condition of appointment¹².

An agreement in the French electricity industry declares that part-time work is 'normal' in the enterprise. Moreover, it constitutes an act of solidarity and a means of combating exclusion¹³.

Entitlement to part-time work or flexible working hours

The European Framework Agreement on Part-time Work emphasizes measures to 'facilitate access to part-time work for men and women in order to ... reconcile professional and family life'¹⁴ and as far as possible, employers should give consideration to requests by workers to transfer from full-time to part-time work which becomes available in the establishment.

A number of agreements selected for this analysis provide for the organization of working hours linked to family or private life. In Germany, a plant agreement in the food processing industry states that in regard to working time it has family friendly regulation, with part-time and flexible working hours available; moreover, that applications from men/fathers to reduce working time for family reasons will be welcomed¹⁵.

A agreement in Spain appears to reward changes in working hours to undertake caring responsibilities by allowing for the reduction of working hours to undertake the legal guardianship of a minor or to care for a person with physical or mental disabilities¹⁶:

'with the corresponding reduction in pay being equivalent to no less than a third and no more than half of the reduction in working hours'.

In Portugal an agreement for the post office entitles employees with children under the age of 12 years, or who are responsible for disabled family members to work part-time¹⁷. In the banking

¹⁰ Luxembourg, p. 24: Convention collective de travail de Monopol S.A.

¹¹ Germany, p. 3: Airport Frankfurt AG.

¹² Austria, p. 37: Plan for the advancement of women in the Federal Ministry of Economic Affairs.

¹³ France, p. 45: Accord Electricité de Strasbourg, 5.5.1995.

¹⁴ European Framework Agreement on Part-time Work, 6 June 1997.

¹⁵ Germany, p. 5: Wilhelm-Weber GmbH.

¹⁶ Spain, p. 61: IVth collective agreement covering private education centres under the general system of regulated education without any level of accreditation or public funding, 1994, Article 37.

¹⁷ Portugal, p. 46: post office: AE between CTT – Correios de Portugal S.A. and the SNTCT – Sindicato Nacional dos Trabalhadores dos Correios e Telecomunicacoes and others, 1996, clause 116.

business, employees are entitled to part-time work to care for children less than 12 years old¹⁸. An agreement in the paper and cardboard industry entitles fathers and mothers with one or more children under 12 years of age to work on a reduced or flexible timetable¹⁹.

In the Swedish insurance sector, full-time employees have the right to reduce working hours by 25% until the child reaches age 12²⁰.

Another agreement in the Italian retail sector provides for measures to reconcile work and caring by a right to part-time work during the first two years of a child's life²¹.

An agreement for the building materials trade in the Netherlands stipulates that requests to transfer to part-time work will be treated positively and, where possible, acceded to²².

The national industry-wide agreement for the German banking business²³ provides that, in so far as business requirements allow, the wishes of employees to change the number of hours they work should be considered, and one enterprise agreement²⁴ adds that an application to change working time for family reason should be considered preferentially. Both agreements say that if a change in the volume of working time is not possible, then the employer has to give reasons for this.

The Federal Employees' Collective Agreement in the German public sector²⁵ provides that reduced working time arrangements should be agreed with full-time workers who request such arrangements for family reasons, while an agreement for the paper, cardboard and synthetic material industry in Hessen²⁶ entitles employees to work reduced hours over a four-year period for personal reasons.

Conditions of part-time work

The purpose of the social partners' framework agreement is: 'to provide for the removal of discrimination against part-time workers and to improve the quality of part-time work' and to apply the principle of non-discrimination: 'In respect of employment conditions, part-time workers shall not be treated in a less favourable manner than comparable workers solely because they work part-time, unless different treatment is justified on objective grounds. Where appropriate, the principles for pro rata shall apply²⁷.'

¹⁸ Portugal, p. 60: the ACT for the banking sector, 1990, clause 46.

¹⁹ Portugal, p. 81: paper and carton industry, 1996, clause 63.

²⁰ Sweden, p. 32: Wage Agreement between KFO and the Swedish National Union of Insurance Company Employees [Forsakringsstjanstemannaforbundet] (FTF).

²¹ Italy, p. 12: CCNL: Accordo aziendale Coop Liguria.

²² Netherlands, p. 82: The CA for the building materials trade.

²³ Germany, p. 9: Banking business.

²⁴ Germany, p. 12: Commerzbank AG.

²⁵ Germany, p. 26: Federal Employees' Collective Agreement.

²⁶ Germany, p. 40: Paper, Cardboard, Synthetic Material Industry, Hessen.

²⁷ European Framework Agreement on Part-Time Work, 6 June 1997.

Several of the agreements take up the issue of the equal treatment of part-timers. The general principle of the equal treatment of part-time and full-time staff is agreed in the Dutch building materials trade²⁸.

A plant agreement in the German metal industry provides for part-time opportunities after parental leave. The job with reduced working time should be similar to the previous job²⁹. An agreement in the chemical industry in Germany stresses that attempts should be made to offer part-time jobs with appropriate key responsibilities in accordance with the employees' qualifications³⁰.

In France, an agreement in a credit institution stipulated that part-time work is a means of reconciling work and private life and declares that it is not to affect career prospects, pay or access to training³¹.

The agreement on part-time work (34 hours or less) in the retail sector in Finland includes provisions covering pay, weekly hours, days off, paid holiday, holiday bonus, coffee breaks, sick-leave, maternity, parental and paternity leave and overtime pay. This is seen as a good agreement because it provides benefits for part-timers equivalent to those available to full-timers. In Finland, only 8% of the workforce works part-time, the majority of whom are female. The agreement thus guarantees a largely female group the same conditions as full-timers. This sectoral agreement is also notable for its detailed attention to the issue of part-time work. In other sectors of industry there is normally no special mention of part-time work³².

Equal promotion of, and equal access to, further training for full-time and part-time employees is included in the national agreement for the German banking business³³ and the enterprise agreement for Commerzbank³⁴.

Return to full-time work

The European Framework Agreement on Part-Time Work states that as 'far as possible, employers should give consideration to ... requests by, workers to transfer from part-time to full-time work or to increase their working time should the opportunity arise'³⁵.

The right to return to full-time work, or at least the preferential consideration of internal applicants for full-time jobs, after a period of reduced working time to care for children or relatives is crucial for employees. Accordingly, provisions on this issue are found in most of the selected agreements for Germany. For example, in the public sector preferential consideration of former full-timers, now employed as part-timers, for subsequent reappointment to full-time jobs

²⁸ Netherlands, p. 83, The CA for the building materials trade.

²⁹ Germany, p. 28: Hewlett-Packard Ltd., Böblingen.

³⁰ Germany, p. 21: Wacker-Chemie GmbH.

³¹ France, p. 49: Accord du Crédit Mutuel Loire-Atlantique et Centre-Ouest, 3.1.1996.

³² Finland, p. 22: Working conditions for part-time workers in commerce; Collective agreements for shop assistants and stockroom workers.

³³ Germany, p. 9: Banking business.

³⁴ Germany, p. 12: Commerzbank AG.

³⁵ European Framework Agreement on Part-Time Work, 6 June 1997.



is agreed³⁶. In the retail trade part-timers looking for a full-time job will be given preferential consideration³⁷. The agreement for Frankfurt Airport entitles employees to increase their working time after a period of part-time employment and allows for the preferential consideration of such employees for full-time jobs³⁸. An agreement in the banking business gives part-time employees who want full-time employment preference over external applicants in cases where personal and professional qualifications are equal³⁹.

Flexibility of working time arrangements – different models of adaptation of working time

The adaptation of working time to reconcile work and family can refer to the amount of time worked or to when such time is worked.

In Luxembourg, an agreement provides for many different patterns of part-time working⁴⁰.

An enterprise agreement in the German food processing industry allows for different models of the amount and allocation of working time⁴¹. In the banking business in Germany individual working time arrangements, including the amount of time worked and when such time is worked, are possible, but a certain fixed pattern should be maintained⁴².

Some agreements give examples of provisions which seek to reconcile work and family by reduced working time or through individual shift work arrangements. In Germany, the plant agreement for ground staff of Lufthansa says that the family situation should be taken into account in drawing up shift and working schedules⁴³. The agreement for Frankfurt Airport offers support for employees with children in coordinating work and family by providing for shift schedules and working time arrangements differing from normal working hours and from regulations on flexitime⁴⁴.

Working time organization linked to family needs

One agreement in France in the petroleum products sector provides six different formulae for part-time working linked to the school timetable⁴⁵. An enterprise in the computer sector adopted a series of measures regarding working time organization, including ‘school part-time’, following school rhythms and allowing for occasional days of absence (but not Fridays or Mondays) to be made up later⁴⁶.

The harmonization of parents’ individual working time with the opening hours of day care

³⁶ Germany: p. 26: Public sector – Federal Employees' Collective Agreement.

³⁷ Germany: p. 18: Retail trade in North Rhine-Westphalia

³⁸ Germany, p. 3: Airport Frankfurt AG.

³⁹ Germany, p. 12: Commerzbank AG.

⁴⁰ Luxembourg, p. 24: Convention collective de travail de Monopol S.A., 1.4.1994.

⁴¹ Germany, p. 6: Wilhelm Weber GmbH.

⁴² Germany, p. 11: Commerzbank AG.

⁴³ Germany, p. 33: Lufthansa – Plant agreement for ground staff.

⁴⁴ Germany, p. 3: Airport Frankfurt AG.

⁴⁵ France, p. 40: Accord Elf Aquitaine du 26.6.1995; LS no. 7319 of 24.8.1995.

⁴⁶ France, pp. 47-48: Accord Unisys (établissement de Villers-Ecalles), 1.12.1995.

institutions is provided for in an agreement in the paper, cardboard, synthetic material industry in Germany⁴⁷.

In Portugal, an agreement in the gas industry enables employees to be excused from working overtime when a specific request is made on the grounds of serious personal or family reasons⁴⁸. In the banking business unavoidable care for the family unit is an acceptable reason for exemption from night work, overtime or shift work⁴⁹. Other agreements provide a right to weekly rest at the same time as other family members who are also employees⁵⁰ and also allows for the scheduling of work to suit family exigencies⁵¹.

In SPAIN, an agreement covering railway subcontractors provides for changes in shift work to accommodate family concerns⁵²:

‘Where both partners work for the same enterprise, one of them shall be entitled to submit a request, which the enterprise shall honour, to change his or her working hours for the first 12 months of breast-feeding, in order to share child care. In this event, the employer and workers’ representatives shall negotiate to decide who should change jobs in order to ensure continued service provision’.

In the metalworking sector in Italy, a plant agreement was negotiated by central management and unions, assisted by the enterprise’s National Equal Opportunities Committee (‘Ipazia’; comprising 12 members, six from each social partner). It experimented with flexible working time, to suit a predominantly female workforce, by, for example, allowing a choice between fixed shift and autonomous flexible working⁵³.

In Ireland, an interprofessional agreement extended full social insurance cover to part-time workers earning £25 or more per week in regular employment, making a significant number of women in the labour market eligible for social insurance benefits⁵⁴.

Summary

All of the provisions of the ‘European Framework Agreement on Part-Time Work’ which are important for equal opportunities⁵⁵ are taken up by one or several of the selected agreements and thus seem practical and transposable. The European Framework Agreement and the directive should encourage further such agreements.

⁴⁷ Germany, p. 40: Paper, cardboard, synthetic material industry, Hessen.

⁴⁸ Portugal, p. 33: gas industry: AE between GDP – Gas de Portugal SA and FETESE- Federação dos Sindicatos dos Trabalhadores do Escritório e Serviços and others, 1995, clause 35.

⁴⁹ Portugal, p. 59: the ACT for the banking sector, 1990, clauses 55, 56, 59.

⁵⁰ Portugal, p. 40: airlines: CCT between TAP – Air Portugal, SA and the STVAC – Sindicato dos Tecnicos de Voo da Aviação Civil, 1995; clause 18

⁵¹ Portugal, p. 46: post office: AE between CTT – Correios de Portugal S.A. and the SNTCT – Sindicato Nacional dos Trabalhadores dos Correios e Telecomunicações and others, 1996, clause 154.

⁵² Spain, p. 59: Collective agreement covering railway subcontractors, 1995, Article 35.

⁵³ Italy, p.15: Accordo di un progetto di azioni positive alla Zanussi Elettrodomestici – Susegana (Treviso).

⁵⁴ Ireland, pp. 5-6: Programme for social and economic progress (1990-1993).

⁵⁵ European Framework Agreement on Part-Time Work, 6 June 1997.



On the other hand, provisions in the selected agreements go beyond the Framework Agreement and provide examples of family friendly regulations on working time and also illustrate the potential of part-time work arrangements.

The selected agreements have been negotiated both at sectoral and at enterprise level across countries and sectors. Indeed, working time arrangements to reconcile work and family seem to have a similar impact in different national contexts and sectors, with the exception of the national differences in the extent of part-time work.

Issues covered in the agreements range from the creation of part-time jobs, to an improvement in the availability of ‘qualified’ part-time work, to an entitlement to part-time work or flexible working hours, the equal treatment of part-timers, provisions for a return to full-time work, to flexibility of working-time arrangements, and a linkage of working time organization to family needs.

Especially impressive is the range of measures which allow for reduced working time or for part-time work at all hierarchical levels and in all fields of activity, as such measures are among the most important when it comes to challenging organizational structures and working time cultures. The selected agreements offer some useful models for collective bargaining to reach the aim set out in the ‘European Framework Agreement on Part-time Work’ negotiated by the social partners: ‘As far as possible, employers should give consideration to measures to facilitate access to part-time work at all levels of the enterprise, including skilled and managerial positions, and where appropriate, to facilitate access by part-time workers to vocational training to enhance opportunities and occupational mobility⁵⁶.’

⁵⁶ European Framework Agreement on Part-Time Work, 6 June 1997.

Table 10. *Selected agreements and provisions on working time*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Creation of part-time jobs</i>					
expanding part-time work	target: 15% part-time workers	Netherlands	building materials trade	sectoral	The CWA for the building materials trade
expanding part-time work	target of 10% of employees	Netherlands	food processing industry	enterprise	The CWA for Heineken
incentives for part-time work	providing incentives for part-time work	Netherlands	public sector	local	The CWA for the Joint Administration Office
incentives for part-time work	providing incentives for part-time work	Netherlands	food processing industry	enterprise	The CWA for Unilever
<i>'Qualified' part-time work</i>					
part-time work suitability of all jobs	part-time work should be possible at all occupational levels and in all internal grades	Germany	banking business	sectoral	Banking business
part-time work suitability of all jobs	<ul style="list-style-type: none"> • a change in working time requirements to suit both the company and the employees is stressed • measures include: <ul style="list-style-type: none"> • the integration of part-time work in the work process and work organization in all areas of responsibility and departments • the checking of each vacancy for its suitability for part-time work • the inclusion of an indication in each internal job advertisement as to whether it could be filled by a part-timer 	Germany	banking business	enterprise	Commerzbank AG

Table 10 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
part-time work suitability of all jobs	<ul style="list-style-type: none"> • establishment of part-time jobs is regarded as an opportunity to harmonize company and personal interests • all jobs are to be regarded as suitable for part-time work • only those jobs are to be excluded which are regarded as not divisible by the supervisor for clear reasons • objectively based and understandable statements in the job specification as to whether the position is divisible and suitable for part-time work 	Germany	chemical industry	enterprise	Wacker-Chemie GmbH, Werk (plant) Burghausen
part-time work suitability of all jobs	<ul style="list-style-type: none"> • inclusion of all jobs • systematic evaluation of vacancies or new jobs to assess their suitability for part-time work 	Netherlands	building materials trade	sectoral	The CWA for the building materials trade
part-time work	in principle no type of job is excluded from part-time work	Luxembourg	retail trade	enterprise	Monopol S.A.
part-time work • management posts	inclusion of management positions in the temporary reduction of working time programme for understandable family reasons	Germany	transport industry	enterprise	Airport Frankfurt AG
part-time work • management posts • promotion	<ul style="list-style-type: none"> • organization of management posts: compatible with childcare and family responsibilities • job descriptions for management: should not stipulate hours of work as a condition 	Austria	public sector	local	Plan for the advancement of women in the Federal Ministry of Economic Affairs

Table 10 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
	<ul style="list-style-type: none"> • promotion: part-time work should not constitute a barrier 				
<ul style="list-style-type: none"> • equality for part-timers • organizational culture 	<ul style="list-style-type: none"> • agreement declares part-time work is 'normal' in the enterprise • constitutes an act of solidarity and a means of combating exclusion 	France	electricity industry	enterprise	Accord Electricité de Strasbourg
<i>Entitlement to part-time work or flexible working hours</i>					
working time	<ul style="list-style-type: none"> • 'family friendly' regulations on working time • part-time work • flexible working hours • encouragement of applications of men/fathers to reduce working time for family reasons 	Germany	food processing industry	enterprise	Wilhelm-Weber GmbH
reduction of working time	<ul style="list-style-type: none"> • possibility of reducing working hours to allow for the legal guardianship of a minor or a person with physical or mental disabilities • pay: pro rata 	Spain	private education centres	sectoral	Collective agreement covering private education centres under the general system of regulated education without any level of accreditation or public funding

Table 10 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
part-time work	<ul style="list-style-type: none"> entitlement to part-time work for employees with family responsibilities – children less than 12 years old and disabled persons pay: pro rata 	Portugal	post office	enterprise	AE between CTT – Correios de Portugal S.A. and the SNTCT – Sindicato Nacional dos Trabalhadores dos Correios e Telecomunicações and others
part-time work	employees are entitled to part-time work to care for children less than 12 years old	Portugal	banking sector	sectoral	ACT for the banking sector
part-time work	entitlement of fathers and mothers with one or more children under 12 years of age to work on a reduced or flexible timetable	Portugal	paper and carton industry	sectoral	Paper and carton industry
reduction of working time	full-time employees have the right to reduce working hours by 25% until the child reaches age 12	Sweden	insurance sector	sector	KFO and the Swedish National Union of Insurance Company Employees [Forsakringstjanste mannaforbundet] (FTF)
part-time work	right to part-time work during the first two years of a child's life	Italy	retail sector	enterprise	CCNL: Accordo aziendale Coop Liguria
part-time work	requests to transfer to part-time work will be treated positively and where possible acceded to	Netherlands	building materials trade	sectoral	The CWA for the building materials trade
part-time work • justification for a refusal of transfer	<ul style="list-style-type: none"> employees' wishes to alter the volume of their working time should be considered if an alteration in the volume of working time is not possible the employer has to give reasons for this 	Germany	banking business	sectoral	Banking business

Table 10 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
part-time work • preferential consideration for family reasons • justification for a refusal of transfer	<ul style="list-style-type: none"> • preferential consideration of an application to change working time for family reasons • reasons should be given if it is impossible to comply with the request 	Germany	banking business	enterprise	Commerzbank AG
reduced working time	reduced working time should be agreed with full-time workers who request such a reduction for family reasons	Germany	public sector	sectoral	Federal Employees' Collective Agreement
reduced working time	employees are entitled to a reduction in working time for a period of up to four years for personal reasons	Germany	paper, cardboard, synthetic material industry	sectoral	Paper, Cardboard, Synthetic Material Industry Hessen
<i>Conditions of part-time work</i>					
equal treatment	equal treatment of part-time and full-time staff	Netherlands	building materials trade	sectoral	The CWA for the building materials trade
reduction of working time part-time work in an equivalent job	<ul style="list-style-type: none"> • reduction of working time/part-time work after parental leave • the job with reduced working time should be similar to the previous job 	Germany	metal industry	enterprise	Hewlett-Packard Ltd., Böblingen
part-time work in an equivalent job	• efforts should be made to offer part-time jobs with appropriate key responsibilities according to the employees' qualifications	Germany	chemical industry	enterprise	Wacker-Chemie GmbH, Werk (plant) Burghausen

Table 10 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
promotion payment access to training	<ul style="list-style-type: none"> part-time work is regarded as a means of reconciling work and private life part-time work should not affect career prospects, pay or access to training 	France	banking sector	enterprise	Accord du Crédit Mutuel Loire-Atlantique et Centre-Ouest
detailed attention to part-time work	provisions include pay, weekly hours, days off, paid holiday, holiday bonus, coffee breaks, sick-leave, maternity, parental and paternity leave and overtime pay	Finland	retail sector	sectoral	Working conditions for part-time workers in commerce; Collective agreements for shop assistants and stock room workers
<ul style="list-style-type: none"> promotion further training 	<ul style="list-style-type: none"> equal promotion equal access to further training 	Germany	banking business	sectoral	Banking business
<ul style="list-style-type: none"> promotion further training 	<ul style="list-style-type: none"> equal promotion equal access to further training 	Germany	banking business	enterprise	Commerzbank AG
<i>Return to full-time work</i>					
preferential consideration	preferential consideration of former full-time employees, now working part-time, for subsequent appointment for a full-time job	Germany	public sector	sectoral	Federal Employees' Collective Agreement
preferential consideration	preferential consideration of part-timers looking for a full-time job	Germany	retail trade	sectoral	Retail trade North Rhine-Wesphalia
<ul style="list-style-type: none"> reinforcement of working time preferential consideration 	<ul style="list-style-type: none"> entitlement to augmented working time after a period of part-time employment preferential consideration for full-time jobs 	Germany	transport industry	enterprise	Airport Frankfurt AG

Table 10 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
preferential consideration to external applicants	part-timers looking for full-time employment will be given preference over external applicants in cases where personal and professional qualifications are equal	Germany	banking business	enterprise	Commerzbank AG
<i>Flexibility of working time arrangements</i>					
working time arrangements	different patterns of working time arrangements	Luxembourg	retail trade	enterprise	Convention collective de travail de Monopol S.A.
working time arrangements	different models of extent and allocation of working time	Germany	food processing industry	enterprise	Wilhelm Weber GmbH
working time arrangements	<ul style="list-style-type: none"> • individual arrangements of working time • all variants in the length and allocation of working time are possible • a certain pattern should be fixed 	Germany	banking business	enterprise	Commerzbank AG
<ul style="list-style-type: none"> • working time arrangements • shift work 	family situation should be taken into account in shift and working schedules	Germany	transport industry	enterprise	Lufthansa – Plant Agreement for Ground Staff
<ul style="list-style-type: none"> • working time arrangements • shift work 	<ul style="list-style-type: none"> • support for employees with children in coordinating work and family in shift schedules • working times differing from normal working hours and from regulation of flexitime 	Germany	transport industry	enterprise	Airport Frankfurt AG

Table 10 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<i>Working time organization linked to family needs</i>					
linkage of part-time work with school timetables	six different formulae for part-time working linked to the school timetable	France	petroleum products sector	enterprise	Accord Elf Aquitaine
working time organization	adoption of a series of measures regarding working time organization, including 'school part-time', following school rhythms and allowing for occasional days of absence (but not Fridays or Mondays)	France	computer sector	enterprise	Accord Unisys (établissement de Villers-Ecalles)
working time organization	adaptation of parents' individual working time to the opening hours of day care institutions	Germany	paper, cardboard, synthetic material industry	sectoral	Paper, Cardboard, Synthetic Material Industry Hessen
overtime obligations	enables employees to be excused from working overtime when a specific request is made on the grounds of serious personal or family reasons	Portugal	gas industry	enterprise	AE between GDP – Gas de Portugal S.A. and FETESE-Federação dos Sindicatos dos Trabalhadores do Escritório e Serviços and others
<ul style="list-style-type: none"> • night work • overtime • shift work 	unavoidable care for the family unit is an acceptable reason for exemption from night work, overtime or shift work	Portugal	banking sector	sectoral	ACT for the banking sector

Table 10 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
working time	right to weekly rest at same time as other family members who are also employees	Portugal	airlines	enterprise	CCT between TAP – Air Portugal, S.A. and the STVAC – Sindicato dos Tecnicos de Voo da Aviacão Civil
working time	right to schedule work to suit family exigencies	Portugal	post office	enterprise	AE between CTT – Correios de Portugal S.A. and the SNTCT – Sindicato Nacional dos Trabalhadores dos Correios e Tele-comunicações and others
shift work	changes in shift work to accommodate family concerns	Spain	railway subcontractors	sectoral	Collective agreement covering railway subcontractors
flexible working time	<ul style="list-style-type: none"> • flexible working time to adapt it to a predominantly female workforce • for example, allowing a choice between fixed shift and autonomous flexible working 	Italy	metalworking	enterprise	Accordo di un progetto di azioni positive alla Zanussi Elettrodomestici – Susegana (Treviso)
<i>Social security</i>					
social insurance	extension of full social insurance covering part-time workers earning £25 or more per week in regular employment	Ireland	interprofessional	national	Programme for social and economic progress (1990-1993)



Job Sharing

Key Issues

Job sharing is a 'working arrangement involving two people sharing the responsibilities and tasks of one full-time job. A means of improving the status and career prospects of part-time workers and offering flexibility to employers. Sharers have their own contracts of employment and share the pay and benefits of a full-time job on a pro rata basis⁵⁷.'

Job sharing requiring specific regulations is usually agreed in conjunction with the implementation and improvement of qualified part-time work.

Agreements and Provisions

The most detailed provision is a policy in the health service in the UK⁵⁸. All advertisements for vacant posts welcome job-sharers 'with or without a partner'. A formal policy provides all staff with equal access to job-sharing arrangements. Almost all employees are eligible, with the exception of some trainees.

The policy provides for a job-share register to be set up. Employees submit a request to job-share in writing, with three months' notice. The line manager considers its feasibility and gives a response within ten days. If refused, there may be an appeal. If the request is approved, unless the employee has a partner in mind, the job-register is checked. Failing that, the job-share is advertised. If no partner can be found, the employee is informed that it is not feasible at the present time. The employee can either put themselves on the job-share register, or request a job-share in a different department, or the manager can reassess the employee's job to see whether it can be split into two part-time posts.

If one partner leaves, the full-time position will be offered to the remaining partner. If declined, the register will be consulted, and, if necessary, the post advertised. The Unit guarantees to place two external advertisements. If no replacement is found, either the existing sharer can be transferred to a part-time position, or, if possible, redeployed.

In 1994 there were 42 job-sharers, all female, mostly in nursing posts. Hours of work and division of responsibilities are decided jointly by the job-sharers and their manager. Only two people can share one post, and job-sharers cannot hold a part-time position elsewhere in the unit. Shares are mainly on a 50/50 basis, though some uneven shares do exist. The usual patterns are two and a half days and morning/afternoon splits. Managers have to make sure work patterns allow for a second partner to be recruited fairly easily if one sharer leaves.

⁵⁷ Terry, Michael & Dickens, Linda, *European Employment and Industrial Relations Glossary: United Kingdom, Luxembourg 1991*, p.117.

⁵⁸ UK, paras. 213-219: Kingston and District Community Unit (NHS).

All practical arrangements are set out in the job-share agreements: patterns of work, responsibilities, length of handover times, supervision arrangements, communication mechanism to be used and terms and conditions for each partner.

Salaries and benefits are offered on a pro-rata basis. But some apply on an individual basis: entitlement to sick pay, long service leave, maternity leave, unforeseen leave and removal expenses. Where posts qualify for a car or car allowance, both partners receive the benefit.

The benefits resulting from the policy include increased flexibility in peak periods, greater continuity cover during sickness and annual leave, and reduced levels of absenteeism among employees who job-share.

In Ireland, staff in the civil service may opt to job-share for a period of one year or more, provided a partner is available and a suitable post exists. In general, job sharers enjoy pro-rata arrangements with their full-time colleagues in relation to pay and other conditions of employment. Of job sharers, 98% were women at the end of 1993 and 80% of those in job sharing were in grades below Executive Officer level⁵⁹.

A similar agreement is to be found in the air transport industry⁶⁰. Each shared job has a job description comprising the duties and responsibilities of the job as a whole, and is recognizable and potentially interchangeable with a full-time job. Job-sharing staff are entitled to apply for all jobs advertised, though when these are full-time positions, they will remain such except where a direct exchange is convenient and acceptable to both the management and staff members involved. Job sharers are paid half the prevailing full-time rates, and annual leave entitlements are paid on a pro-rata basis.

A job-sharing agreement in a chemical plant in Italy seeks to reconcile work and caring responsibilities through part-time work for couples. Parents of children up to three years old can undertake part-time work with a colleague in a similar position. Both parents, alternatively, can do this if they are in the same establishment. In addition, the employer undertakes to contribute to some of the costs of childcare⁶¹.

In the German metal industry an enterprise agreement emphasizes the equal treatment of job sharers and allows job sharers to apply for full-time jobs, provided they have a job-share partner. It also says that a joint application from job-share partners for a job is to be treated equally with applications from single employees⁶².

‘If a supervisor has doubts with regard to a job-sharing model for a full-time job for practical reasons a fixed-term transfer for six months will be agreed as a test phase.

⁵⁹ Ireland, p. 9: Irish civil service.

⁶⁰ Ireland, p. 17: Air Rianta.

⁶¹ Italy, p. 29: Accordo di job sharing alla Sony di Rovereto (Trento), 1995.

⁶² Germany, p. 29: Hewlett-Packard Ltd., Böblingen.



Objectives, job content and work organization for the test phase will be recorded in writing. If problems arise during the test phase they should be discussed and documented immediately. If the test phase is successful the continuation of the job-sharing employment for an unlimited period will be offered to the job-sharing partners. If the test phase of the job-sharing was not successful the job-sharing employment ends automatically with the end of the test phase⁶³.

In the food processing industry in Germany an enterprise agreement allows for an examination of vacant management positions to see if they can be done on a job-share basis⁶⁴.

Summary

Collective bargaining on job sharing is not widespread but the selected examples offer interesting models and innovative features which promote qualified part-time work and challenges organizational and working-time cultures.

The most interesting features are the encouragement of job sharers to apply, the equality of the pay and conditions, on a pro-rata basis of job-sharing partners with those of full-time employees, equal access for all staff, including management, to job-sharing arrangements, the establishment of job-share registers, practical arrangements for patterns of work, responsibilities, length of handover times, supervision arrangements and communication mechanism.

⁶³ Germany, p. 92: Hewlett-Packard Ltd., Böblingen.

⁶⁴ Germany, pp. 7 and 53: Wilhelm Weber GmbH.

Table 11. *Selected agreements and provisions on job sharing*

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
job sharing <ul style="list-style-type: none"> • advertisements • equal access • register • arrangement • payment 	detailed provision <ul style="list-style-type: none"> • advertisements welcome job sharers ‘with or without a partner’ • equal access for all staff to job-sharing arrangements • except for some trainees all employees are eligible • job-share register • regulation of recruitment for a new job-sharing partner • practical arrangements for patterns of work, responsibilities, length of handover times, supervision arrangements, communication mechanism to be used and terms and conditions for each partner • salaries and benefits on a pro-rata basis 	UK	health service	local	Kingston and District Community Unit (NHS)
job sharing <ul style="list-style-type: none"> • entitlement • pro-rata arrangements 	<ul style="list-style-type: none"> • job share for a period of one year or more, provided a partner is available and a suitable post exists • job sharers enjoy pro-rata arrangements with their full-time colleagues in relation to pay and other conditions of employment 	Ireland	civil service	sectoral	Irish civil service
job sharing <ul style="list-style-type: none"> • arrangement • equality to full-time jobs 	<ul style="list-style-type: none"> • each shared job has a job description comprising the duties and responsibilities of the job as a whole • each shared job is recognizable and 	Ireland	air transport industry	enterprise	Air Rianta

Table 11 (continued)

Subject	Innovative features	Country	Sector	Level of bargaining	Coverage
<ul style="list-style-type: none"> • application to full-time jobs 	<ul style="list-style-type: none"> • potentially interchangeable with a full-time job • job-sharing staff are entitled to apply for all jobs advertised • full-time positions remain such except where a direct exchange is convenient and acceptable to both the management and staff members involved • job sharers are paid half the prevailing full-time rates, and annual leave entitlements are paid on a pro-rata basis 				
job sharing <ul style="list-style-type: none"> • entitlement • reconciliation of work and family 	aim: reconcile work and caring responsibilities through part-time work <ul style="list-style-type: none"> • parents of children up to three years old can undertake part-time work with a colleague in a similar position • both parents, alternatively, can do this if they are in the same establishment • additionally the employer contributes to some of the costs of childcare 	Italy	chemical industry	enterprise	Accordo di job sharing alla Sony di Rovereto (Trento)
job sharing <ul style="list-style-type: none"> • direct application for a full-time job • equal treatment of the application 	<ul style="list-style-type: none"> • direct application for a full-time job with a job-sharing partner • equal treatment of an application from job-sharing partners for a full-time job with that from a single person 	Germany	metal industry	enterprise	Hewlett-Packard Ltd., Böblingen
job sharing <ul style="list-style-type: none"> • management positions 	<ul style="list-style-type: none"> • examination of vacant management positions to check their suitability for job-sharing 	Germany	food processing industry	enterprise	Wilhelm Weber GmbH

European Foundation for the Improvement of Living and Working Conditions

Equal Opportunities and Collective Bargaining in Europe

Luxembourg: Office for Official Publications of the European Communities

1998 – 172 pp. – 21 x 29.7 cm

ISBN 92-828-5068-4

Price (excluding VAT) in Luxembourg: ECU 25



Equal Opportunities and Collective Bargaining in Europe

3. Innovative Agreements: An Analysis

Achieving equal opportunities for men and women via collective bargaining has become an important political objective of the European Commission. This report provides an overview of innovative collective agreements on a large variety of initiatives which aim to improve equal opportunities. They include provisions in relation to job access, sex segregation, pay equity, sexual harassment, parental leave, working time and change of organizational culture.

The report is based on more than 250 provisions in collective agreements in all 15 Member States of the European Union.

Price (excluding VAT) in Luxembourg: ECU 25



OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg

ISBN 92-828-5068-4



9 789282 850688