

GUIDE TO COLLECTIVE BARGAINING FOR EQUAL PAY



**GUIDE TO
COLLECTIVE
BARGAINING
FOR
EQUAL
PAY**



EEA GRANTS

GENDER EQUALITY

'A future without a gender pay gap' project

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1.

INTRODUCTION

This document is the result of the project ‘A future without a gender pay gap’, within the cooperation framework established between donor countries of the European Economic Area (EEA) and the Spanish Government.

This guide is designed to be a practical tool to address the gender pay gap through collective bargaining. It thus seeks to facilitate the inclusion of changes to collective agreements that enable models to be modified to guarantee equal pay for men and women.

The content of the guide is focused on the job classification system and pay structures defined in collective agreements, which play a major role in the pay gap between men and women. The job classification model used affects pay structures and progress towards equal pay for equal work.

This publication is aimed at all workers who negotiate collective agreements. It is very important that they have the tools and instruments to be able to progress towards equal pay for men and women in the labor market.

2.

EQUAL PAY AND GUARANTEES AGAINST WAGE DISCRIMINATION

2.1 EQUAL PAY AS A FUNDAMENTAL RIGHT

Gender equality and the prohibition of discrimination are fundamental rights recognized on an international, European and national level. The principle of equal pay for equal work is an important aspect of the fundamental right to equal treatment for men and women. The regulations applicable in this area have a goal, which is the real and practical application of the principle of equality between men and women and the removal of discrimination in the workplace, specifically with regards to pay, that affects women.

INTERNATIONAL LABOR ORGANIZATION

AGREEMENT NO. 100 ON EQUAL PAY, 1951

This establishes a view of pay in a broad sense which 'includes normal basic or minimum wages or salary and any other remuneration, in cash or in kind, paid by the employer, directly or indirectly, to the employee, as payment for the employment of the latter' (article 1a).

According to the agreement, equal pay for male and female employees for equal work is demonstrated by rates of pay set without sex discrimination (article 1b).

EUROPEAN UNION

TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, 2010
(ARTICLE 157)

The principle of equal pay for male and female employees for equal work is an obligation of all European Union member states.

CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, 2010
(ARTICLE 23)

This specifically recognizes that the fundamental right to equality between men and women must be respected in the workplace and in pay, and is legally binding for European institutions and member states when applying European law.

DIRECTIVE 2006/54/EC/ OF THE EUROPEAN PARLIAMENT AND COUNCIL,
2006

This emphasizes that the principle of equal pay constitutes an essential and indispensable part of the *acquis communautaire* in accordance with the case law of the European Union's Court of Justice on sex discrimination and contains regulations aimed at applying the principle of equal pay.

The consequence of infringing upon the fundamental right to equality is the declaration of invalidity of the regulations, collective agreements or business decisions that give rise to pay discrimination (whether direct or indirect), as well as discriminatory orders and any other unfavorable treatment about which a complaint has been made alleging infringement of equality in this area (arts. 9 and 10 LOIEMH [Organic Law for Effective Equality between Men and Women]).

Furthermore, in accordance with its nature as a fundamental right, special guarantees are applied to equal pay within the framework of legal and administrative procedures therein, which

SPAIN

SPANISH CONSTITUTION OF 1978 (ARTICLES 14 AND 35)

As well as the proclamation of the fundamental right to equality and the prohibition of discrimination, this recognizes the fundamental right to work and to sufficient remuneration to meet individual and family needs; under no circumstances may there be sex discrimination.

ORGANIC LAW 3/2007, OF 22ND MARCH, FOR EFFECTIVE EQUALITY BETWEEN MEN AND WOMEN (ARTICLE 5) LOIE [ORGANIC LAW FOR EFFECTIVE EQUALITY]

This imposes an obligation to guarantee equal treatment and opportunities for men and women in public and private sector occupations, covering access, vocational training, professional development and working conditions, specifically including pay.

STATUTE ON WORKERS' RIGHTS, APPROVED BY ROYAL LEGISLATIVE DECREE 1/1995, OF 24TH MARCH (ARTICLE 28) ET [STATUTE ON WORKERS' RIGHTS]

This stipulates the employer's obligation of equal pay for equal work, met directly or indirectly, in wages or in benefits; under no circumstances may there be sex discrimination in any of the elements or conditions laid out.

may be caused by infringements of equality by public authorities or private individuals. Noteworthy among these guarantees is the regulation on the reversal of the burden of proof which determines that, where there is evidence of discriminatory treatment on the grounds of gender, it is up to the defendant (normally the employer) to justify the purpose, suitability and proportionality of the measure to rule out the existence of discrimination (arts. 12 and 13 LOIEMH).

2.2 GENDER DISCRIMINATION IN PAY

When are pay differences discriminatory?

Pay differences are discriminatory when they are based on an overestimation of jobs or qualities associated with men and/or an invisibility of jobs or qualities assigned to women.

Pay discrimination caused by sexist job classification is more easily identifiable than that which derives from a lack of reasonableness in wage items and structures. However, it should be noted that not all wage differentials are discriminatory for the purposes of the law: only wage differentials that do not have an objective and reasonable justification are discriminatory..

In many cases, wage differentials are the result of stereotypes linked to the sexual division of labor which are reproduced in the workplace so that women are concentrated in certain professional groups with lower pay and fewer opportunities for economic and professional development. It is therefore important that collective agreements regulate with a gender perspective all phases and dimensions of labor relations, including access to employment, working conditions, vocational training, professional development, etc. In this sense, it would be advisable to include positive action clauses that promote the equal presence of men and women in all professional groups and categories.

Factors determining pay differentials between men and women

Firstly, not all pay differentials between men and women entail discrimination. The ILO sets out a number of factors that influence the observable wage differentials between men and women, which include:

- **Type of work**, due to occupational segregation on the grounds of gender (masculine occupations have higher pay than those that are typically feminine) and segregation of employment opportunities (employability difficulties for women in certain sectors).
- **Type of working day**, due to the unequal distribution of men and women in full and part-time employment.
- **Differences in education and training**, as a result of the different courses studied and access to higher education.
- **Differences in labor market experience**, in terms of seniority and the kind of tasks mainly undertaken.
- **Size of the company and level of unionization**, since wage levels are often lower in small companies with lower levels of unionization.
- **Wage discrimination**, which can take many forms.

Hence, not all elements or factors that play a major role in pay inequalities between men and women (gender pay gap) meet the strict definition of discrimination.

However, it is possible that the aforementioned factors which are not considered discriminatory are a manifestation, at least in part, of certain structural inequalities between men and women (gender gap), which may require **additional intervention measures** such as, for example:

- The appropriate design of conciliation measures and shared responsibility for home and work life to avoid women being less present in the labor market.
- Special attention to gender roles passed on through education and the media and which may influence the persistence or eradication of stereotypes or prejudices about the role of women in the workplace (see the ‘job classification’ section of the guide).

Types of wage discrimination

If we look at the pay differentials between men and women caused by discriminatory factors, we must refer to different types of discrimination:

Direct discrimination: a situation in which a person is, has been or might, because of his or her sex, be treated less favorably (in terms of pay) than another person or persons in a similar situation (article 6.1, LOIEMH).

Example 1. Legislation or collective agreements that limit the benefits, earnings or employment opportunities to which women have access.

In the Garland case, pay discrimination was identified because of different treatment in terms of transport benefits for male and female retirees of a railway company (STSJCE [ECJ Judgment] 12/81, of 9th February 1992).

A cautious outlook that prohibits pregnant women from working overtime, since unfavorable treatment of women related to pregnancy or maternity constitutes direct discrimination (article 8, LOIEMH and article 85.1, LET [Law on the Statute of Workers’ Rights]).

As a result of the regulatory framework described, regulatory provisions or agreements in which sex is listed as a specific criterion for setting wages are rare, although direct discrimination may occur in other ways.

Example 2. The designation by company agreements of different titles or names for the same job depending on the sex of the person carrying it out (cook/chef, administrator/secretary, technician/operator), so that jobs normally given feminine names are lower paid than those given masculine names. SSTC [Constitutional Court Judgment] 144/1991, 58/1994, 286/1994 and 147/1995, among others.

Example 3. Company practices, not necessarily covered by regulations or agreements, may also be the cause of wage discrimination against women.

SSTSJ Cat [Catalan Supreme Court Judgment] of 7th December 1992 confirmed that the company in question paid wage supplements only to men.

Indirect discrimination: a situation in which a seemingly neutral provision, criterion or practice puts persons of one sex at a particular disadvantage compared to persons of the other sex (article 6, LOIEMH).

This type of pay discrimination against women is often more frequent and is therefore more difficult to identify, even though several cases have been recognized by the courts:

Example 1. Existence of sexist prejudices in job assessment and classification methods.

The Rummler case [STJCE 237/95, of 1st July 1986), states that it is discriminatory for criteria determining classification into different pay levels to be based on values corresponding to the average traits of workers of a single sex (such as physical strength); instead, they must be gender-neutral, unless the criterion plays a major role in assessing the type of job in question.

The Danfoss case (STJCE 109/88, of 17th October 1989) analyzes the neutrality of certain job assessment criteria (sense of responsibility, seniority, training and flexibility), obliging the employer to justify those which are systematically prejudicial to women.

The Spanish Constitutional Court has also ruled on several cases of indirect wage discrimination: SSTC 144/1991, 58/1994, 286/1994 and 147/1995, among others.

Proving indirect discrimination can also be difficult, due to the apparent neutrality of the provision, criterion or practice regarding sex that is discriminatory. The reversal of the burden of proof also applies here, so discrimination will be found unless the decision or measure can be justified objectively in reference to a legitimate purpose and the measures used to achieve this purpose are necessary and appropriate.

Statistical proof becomes especially important, linked to the collective dimension inherent in this type of discrimination, through which it can be proven that the prejudicial effects affect a significantly larger number of persons of a certain sex. In this respect, courts do not set out minimum fixed parameters for recognizing disparate impact or effects that are disproportionately prejudicial for one of the sexes; this requires

Example 2. Payment systems in which supplements represent a very high percentage of the total remuneration, normally through the design of bonuses or better negotiating opportunities for men.

Example 3. Negotiations or company practices that exclude part-time employees from wage supplements or social benefits. These types of exclusions are considered indirect discrimination because the part-time employees affected are mostly women.

‘many more women than men’ to be affected and has been found in other cases in which the disproportion is not very high but is persistent.

In the case of Seymour-Smith (STJCE 167/97, of 9th February 1999), the requirement for a prior period of employment in order to access a certain job was considered discriminatory because it has a disproportionately negative effect on women due to more frequent career breaks for maternity and family responsibilities.

The Kording case (STJCE 100/95, of 2nd October 1997) admits the existence of indirect discrimination due to not valuing part-time employment for the purposes of seniority in accessing or being promoted to a more senior position, which is a measure that affects a much higher percentage of women than men.

The notion of equal work

The concept of equal work is very important in determining whether or not indirect wage discrimination has occurred. In this way, disadvantage suffered by women as a consequence of the application of an entry regulation, criterion or practice which is gender-neutral may be justified where there are objective differences in the value of the work carried out or to be carried out.

The concept of equal pay for equal work requires a means or instrument to measure and compare different jobs on the basis of objective criteria which may include a range of factors such as the nature of the work, training conditions and working conditions. Agreement no. 100 sets out the importance of objective job assessment, which may prevent indirect discrimination. The ILO's 1951 recommendation (no. 90) on equal pay draws attention to the special importance of social partners in performing this task

2.3

THE CRUCIAL ROLE OF COLLECTIVE BARGAINING AS A GUARANTEE OF EQUAL PAY

International and European organizations emphasize that achieving pay equality between men and women is a shared responsibility and that they play a complementary role in developing general guarantees on equal pay:

- **Legislation**, in accordance with the importance of a clear legal framework that establishes transparent parameters for collective bargaining and minimum wage fixing.
- **Collective bargaining between employees and employers**, since processes for wage fixing and collective bargaining mechanisms can make an important contribution to eliminating the gender pay gap and discrimination and promoting equal pay.
- **Joint action** in various ways.

The recognized crucial role of collective bargaining through legislation

European and national legislation sets out the need and obligation to encourage social dialog and collective bargaining in order to promote equality between men and women in the workplace.

European legislation: pursuant to Directive 2006/54 of the European Parliament and Council (article 21), states must encourage social partners, without prejudice to their autonomy, to promote equality between men and women and to conclude, at the appropriate level, agreements that establish anti-discrimination regulations relating to pay.

National legislation European and national legislation sets out the need and obligation to encourage social dialog and collective bargaining in order to promote equality between men and women in the workplace.

On the possible content of collective bargaining in terms of equal pay, the legislation states the following:

- The possibility of establishing positive action measures through collective bargaining to encourage women's access to employment and the effective application of the principle of equal treatment and non-discrimination in working conditions between men and women (article 43, LOIEMH). The legal limits of these measures are established generally in article 11 of the LOIEMH, which considers them applicable as long as there is inequality, respecting criteria of reasonableness and proportionality in relation to the objective pursued.
- The provision that collective bargaining may establish positive action measures in access, classification, development and training (reserves and preferences in favor of the under-represented sex applicable to hiring, job classification conditions, development and training so that, if candidates are equally suitable, persons from the under-represented sex are chosen (article 17. 4, LET).
- The option for companies to agree with employees' representatives social responsibility actions in terms of gender equality (article 73, LOIEMH), and the company's obligation in all cases to inform employees' representatives.

In general, a basic presumption of the above duties of negotiation is the employer's duty of information; he or she must provide, at appropriate intervals, sufficient information to employees and/or their representatives on the equal treatment of men and women in the workplace (Directive, article 21). The recent European Commission recommendation of 7th March 2014, aimed at strengthening the principle of equal pay for men and women, increases employers' duties of transparency on wage composition and structure, through the regulation of several concrete minimum measures which must be applied by states.

PROPOSALS AND POSSIBILITIES...

...OF COLLECTIVE BARGAINING IN TERMS OF EQUAL PAY

On the basis of a specific legal duty to negotiate measures aimed at promoting equal pay for men and women, legislation does not set out the full impact of the possibilities of collective bargaining in this area. Consequently, based on the legislation, the performance and real potential of the obligation to negotiate to promote wage equality must be linked to certain conditions or requirements of collective bargaining itself:

- **Gender mainstreaming**, crucial in combating both the danger of gender invisibility and a practice that tends to reduce the presence of the gender issue to a specific or isolated clause in the agreement, with no connection to general regulations on working conditions.
- **Innovation of collective bargaining from the equality perspective**, facilitating the review of purely declaratory or repetitive clauses in the legislation in terms of non-discrimination in wages, and to support a comprehensive review of the conventional elements (classification and pay structure) that are often the basis of wage differentials between men and women.
- **Complementarity of legislation and collective bargaining**, firstly in terms of the suitability of existing agreements and regulations through a review of their content and secondly the full use of the legal possibilities of the agreements to achieve the required effective equality in a constitutional manner. It should be remembered that although in certain areas legislation is imperative and leaves

little room for collective bargaining, in the regulation of many other issues the legislator resubmits agreements for revision or recognizes without further formality the importance of collective bargaining in their organization. The latter is reflected in key aspects for the guarantee of equal pay, such as job classification, professional development and wage rates and their necessary adaptation to the reality of the sector or workplace (see the 'job classification' and 'equal pay' sections of the guide).

- **Greater awareness among social actors of the impact of collective bargaining on gender equality**, which is crucial in preventing indirect discrimination, often responsible for different pay for equal work, and the ability to introduce positive action measures provided by law where these are sufficient to end persistent inequality.

Equality plans and equal pay guarantees

EQUALITY PLANS ARTICLES 17.5 AND 185.2 ET, AND ARTICLES 45 AND 47, LOIE.

Definition (article 46): 'An ordered set of measures, subsequently adapted to diagnose the situation, designed to achieve equal treatment and opportunities between men and women in the workplace and to eliminate sex discrimination'.

Article 46.2 of the Organic Law for Effective Equality between Men and Women (LOIEMH) lists the areas that may be taken into account in order to achieve the objectives set through equality plans, which are: access to employment; job classification; development and training; pay; organization of the working day to encourage, in terms of equality between men and women, a personal and family work-life balance; and the prevention of sexual harassment and sex-based harassment.

Therefore, equal pay is considered one of the areas to be studied when drawing up equality plans.

Even so, the scope of the obligation with respect to equality plans, taken from the regulation, is limited to:

- The direct legal obligation of companies (but not individual workplaces) with more than 250 employees to 'draw up and apply' an equality plan.
- The obligation to negotiate equality plans imposed by the applicable collective agreement (article 45.3, LOIEMH).
- The labor inspectorate, after negotiation or consultation with employees' representatives, in place of additional sanctions for very serious breaches by the employer (loss of financial assistance or benefits), may impose the drafting and application of equality plans (article 45.4, LOIEMH) as a residual or exceptional case.
- Voluntary drafting in other companies, after consultation with employees' legal representatives (article 45.5, LOIEMH).

In the formalization of equality plans, it is very important to link them to the company's collective agreement.

2.4 REDRESS PROCEDURES IN DEFENSE OF EQUAL PAY

Non-judicial redress procedures

TRADE UNION REPRESENTATION IN COMPANIES.

Trade union representatives have jurisdiction within companies with regard to ‘monitoring the respect and application of the principle of equal treatment and opportunities for men and women’ (article 64.7, LET).

In this preventive phase and in observing labor legislation, the activities of trade union representatives is key in advising employees, planning claims or collective disputes against the company and, finally, complaining to the labor inspectorate or labor jurisdiction bodies (article 65.1, LET).

Employers’ duties of information include informing employees on an annual basis of the ‘application in the company of the right to equal treatment and opportunities for men and women, which will include data on the proportion of men and women at different professional levels; where applicable, the measures that have been adopted to encourage equality between men and women in the company; and, if an equality plan has been established, the application of the same (article 64.3, LET).

It should also be noted that the Statute on Workers’ Rights does not specifically mention the issue of wages in the duty of information on matters of equality, unlike other European laws such as French law, which requires detailed information. In any case, representatives of the company’s employees –given their jurisdiction to enforce equal treatment between men

and women- may ask the company for information on wages and the latter must provide data broken down by sex. As the Constitutional Court has already indicated in STC 142/1993, of 22nd April, access to this information is justified in the public interest and it must also be 'emphasized that knowledge of pay received enables reconstruction of employees' private lives'.

The Statute on Workers' Rights and LOLS [Organic Law on Trade Union Freedom] do not set out ad hoc figures within trade union representation who are specifically tasked with issues of equality in similar terms to those defined in the occupational risk prevention regulations.

EXAMPLE OF GOOD PRACTICE: NETWORK OF TRADE UNION OFFICIALS FOR EQUALITY - UGT [GENERAL WORKERS' UNION] OF CATALONIA

The Network of Trade Union Officials for Equality is a body of the UGT of Catalonia born of the desire to establish a support network among all delegates involved in the fight against discrimination and to include the discourse of equal opportunities and treatment in the workplace.

The network trains delegates who specialize in preventing, raising awareness of, identifying and acting against all types of sex discrimination in the workplace, ensuring labor relations free from discrimination.

MEDIATION, ARBITRATION AND CONCILIATION MEASURES

Among other duties, joint committees must resolve the following:

- Conflicts arising from the interpretation and application of collective agreements (articles 85.3 and 91, LET). In any case, collective agreements may mediate non-judicial conflict resolution procedures which, in the event of an arbitration award agreement, shall have the legal validity of a collective agreement (article 91.2, LET). Some sector-wide collective agreements have created equality commissions with equal representation that have the same role as the joint committee to address equality issues.
- Administrative mediation, conciliation and arbitration services, as well as its own labor inspectorate¹
- Mediation, conciliation and arbitration bodies created by inter-professional agreements such as, on the national level, the Interconfederal Mediation and Arbitration Service (SIMA). At the level of the autonomous communities there is, for example, the Labor Court of Catalonia.

COMPLAINT TO THE LABOR INSPECTORATE:

The labor inspectorate may suggest that the company be sanctioned in cases of sex discrimination with financial and other penalties (articles 8.12 and 46 bis, LISOS [Labor Infringements and Penalties Law]). It is worth remembering that inspection reports enjoy the legal presumption of certainty (article 151.8, LRJS [Regulatory Law on Labor Jurisdiction]), so they ‘facilitate the presentation of evidence by the victim of discrimination in a complex area such as the one at hand’²

1 Articles 2 and 3 of Law 23/2015, of 21st July, on the Operation of the Labor Inspectorate and Social Security System.

2 FERNÁNDEZ LÓPEZ, M F^a. *La tutela laboral frente a la discriminación por razón de género*. Ed. La Ley, 2008, p. 100.

Judicial redress procedures

LEGAL GUARANTEES ARISING FROM THE VIOLATION OF A FUNDAMENTAL RIGHT

The allegation of pay discrimination on the grounds of sex implies the violation of the fundamental right to equality and, consequently, the legal process alleging Infringement of a fundamental right should be accompanied by, among other things, the following protections which are regulated in the special legal process on the protection of fundamental rights (articles 177 et seq., LRJS):

- It must be a summary and preferential process with regard to any other process that follows in the court or tribunal (article 179, LRJS).
- The Public Prosecutor's Office must be cited as a party (article 177.3, LRJS).
- The reversal of the burden of proof applies so, unlike other processes, the burden of proof is shifted to the defendant. Thus, once the claimant has presented substantiated evidence of what caused the violation of the right, it is up to the defendant to provide an objective and reasonable justification of the measure adopted and its proportionality (article 181.2, LRJS).
- As we shall see, the judgment must restore to the affected person all their rights by redressing all consequences derived from the violation (article 182 1d, LRJS).
- It is forbidden for the employer to engage in any subsequent reaction or retaliation against the employee for having exercised his or her rights or taken legal or administrative action (the so-called right of indemnity).

THOSE WITH LEGAL STANDING TO FILE AN APPLICATION RELATING TO PAY DISCRIMINATION:

- Affected employees, provided that they have a right or legitimate interest and are able to bring an individual or collective case.
- Trade unions have legal standing to be a party to the process to defend their own interests and the collective interests of employees (article 17.2L, RJS). They can also be party to the process in representation of unionized employees with their express or implied consent (article 20, LRJS) and equally any employee, whether unionized or not, in accordance with the general rules of procedural power of attorney (article 18.1 LRJS).
- The works council and personnel delegates may bring legal proceedings in relation to their jurisdictions in the company, including a challenge to business practices or company agreements that may be discriminatory (articles 154 and 165, LRJS).
- The labor authorities may bring action ex officio where sex discrimination is found 'after a finding of violation issued by the labor inspectorate' (article 148 c, LRJS). At the same time, the labor authorities have legal standing to challenge collective agreements that break the law (article 165, LRJS). If the collective agreement is not registered, only the labor authority has legal standing to challenge it (article 163, LRJS).
- The Women's Institute and relevant organizations at the autonomous community level may challenge collective agreements 'for the purposes of challenging clauses that may directly or indirectly discriminate on the grounds of sex' (article 165, LRJS). They can also join in the process of protection of fundamental rights as an aiding party (article 177.2, LRJS).

In each legal proceeding, consideration will have to be given to who has legal standing in relation to the subject of the proceeding. It is obvious that employees cannot bring legal

action as individuals for the process of a collective action and a challenge to collective agreements, which are reserved for collective subjects.

THE PRINCIPLE OF FULL REDRESS FOR A VIOLATION OF FUNDAMENTAL RIGHTS

As we have already pointed out, in the event of an allegation of violation of a fundamental right, the judgment must provide the following (article 182, LRJS).

- A declaration of invalidity of the offending conduct.
- An order for the immediate cessation of the action which is contrary to fundamental rights.
- A full redress of the violated right and a return to the situation before the right was infringed. The judgment shall order redress of the consequences deriving from the discriminatory conduct and decide on the relevant compensation where appropriate. This compensation, which must be real, effective and proportionate to the damage suffered (article 10, LOIEMH), must cover both the moral damage and additional related damages (article 183.1, LRJS). Furthermore, it shall be compatible with all other provisions in labor law such as those provided by modification or termination of the contract (article 183.3, LRJS).

All of the foregoing is without prejudice to requests to the judicial body at the time of filing a claim for the adoption of precautionary measures to suspend the effects of the contested act prior to trial (article 180, LRJS).

MODEL CLAUSES TO BE INTRODUCED IN COLLECTIVE AGREEMENTS

'Both parties undertake to ensure equal pay for equal work'.

'Company management is obliged to pay the same, in both basic salary and supplements, for equal work, with no discrimination on the grounds of sex or contract duration'.

3.

JOB CLASSIFICATION

3.1 GENDER IMPACT ON CLASSIFICATION JOB

Job classification

Organizations have a set of rules on how to group or distribute the various roles assigned to employees.

Job classification is a way of ordering or grouping the range of roles or tasks carried out by each employee in the course of their employment.

The aim of job classification is to specify job content: 'the act and effect of classifying employees so that they are organized in a certain way within each company'.³

Undervaluing of typically feminine jobs

Despite progress towards the concept of equal work, reality demonstrates that women's jobs continue to be undervalued. As a result of this reality, they are awarded lower wages despite carrying out the same or similar roles or tasks.

³ CATALÀ, N. (1980) in VALDÉS DAL-RE y QUINTANILLA NAVARRO. *Igualdad de género y relaciones laborales*. Ministry of Labor and Immigration- Francisco Largo Caballero Foundation, p. 112.

This undervaluing of tasks or roles carried out by women is, among other things, a result of the persistence of **gender stereotypes** in the labor market, which remain ingrained in the collective imagination and play a major role in the assessment and quantification of roles or tasks carried out by women.

The word **stereotype** refers to preconceived attitudes, values and ideas about a person or group of people, based on any individual or group characteristic, of which sex is only one. These **stereotypes** have shaped preconceived ideas, derived from the roles assigned, on the role and function of men and women (**gender stereotypes**).

This is the result of, among other things, the traditional sexual division of labor, which has assigned particular roles to men and women.⁴

Thus, there is still a belief that men represent authority and leadership and, conversely, women are experts in empathy and people skills. As a result of these images, **prejudices** emerge. These prejudices act as a (generally negative) assessment of women, which seeps into company culture through a certain way of assessing professional skills or competencies.

4 European Commission (2010). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Strategy for equality between women and men 2010-2015. This makes it clear that the traditional, rigid roles assigned to each sex can, and in fact do, limit peoples' individual options, so combating these discriminatory roles is crucial. Although a lot of progress has been made, these roles still influence crucial decisions made by individuals on issues related to education, careers, the organization of work, family and fertility, decisions that in turn have an impact on the economy and society.

GENDER STEREOTYPES ABOUT WOMEN

Natural disposition to take care of others.

Skills and experience in housework.

Little or no physical or muscular strength.

They tend to refuse to supervise the work of others.

They are more willing to accept lower wages.

They are more willing to be given orders.

They are more docile and less likely to complain about work and working conditions.

Source: compilation based on data from the guide to eliminating gender stereotypes in the workplace and trade unions. UGT, 2005.

GENDER PREJUDICES IN PROFESSIONAL COMPETENCIES

WOMEN	MEN
Intellectual abilities	Management and leadership skills
Professionalism	Technical skills
People skills	Physical abilities
Problem-solving skills	Emotional skills

Source: compiled using data provided by the practical guide *Les stéréotypes sur le genre comprendre et agir dans l'entreprise*.

Thus, these **stereotypes, when they have a negative effect**, stir up a number of **prejudices**, giving rise to, among other things, occupational segregation and horizontal and vertical segregation, as well as acting as a brake on the professional development of women.⁵

⁵ According to the 2009 Eurobarometer on gender equality, these clichés and stereotypes persist and can be seen in the workplace (54%), advertisements (37%), the media (25%), politics (24%), sport (16%) the police (14%) and the school curriculum (9%). 4% of European citizens do not believe that these stereotypes exist.

Discrimination through job classification

Language. In job classification systems regulated by collective agreements, there are still professional groups that include jobs with masculine or feminine names. Hidden in these names is the consideration of a job as more suitable for men than women, an assessment closely linked to the traditional assignment of roles and which constitutes direct discrimination.

Example 1. This is true of the national collective agreement of security companies (2014), which lists professional subgroups in a sexist manner: it uses masculine nouns for the majority of subgroups except for those considered most feminine, where both masculine and feminine nouns are used (for example: only masculine nouns are used for 'technicians and office specialists', 'first-line supervisor' and 'driver', but both masculine and feminine nouns are used for 'flight attendant' and 'cleaner').

Strangely enough, the job classification carried out in this collective agreement uses only feminine nouns for certain feminine categories. The names of professional categories must be neutral and aim not to prejudice.

Equal work in different categories. Another example of direct discrimination through job classification is when different categories are artificially created for equal work.

Example 2. An example of this is the case of the Gregorio Marañón Hospital where the category of cleaners, made up mostly of women, was awarded a lower wage than that of laborers, made up almost exclusively of men (STC 145/1991).

Example 3. Another example is the case of a perfume company whose collective agreement included in the same production sector different categories with different wages: one category for industry professionals, made up of men with the role of supplying and feeding the production chain, and another, very feminine, category for skilled workers tasked with mixing and filling bottles (STC 58/1994, of 28th February).

3.2

CLASSIFICATION JOB REGULATED BY THE STATUTE OF WORKERS' RIGHTS

The **LET (article 22)** regulates a professional framework that obliges social partners to organize, group and classify a set of competencies, qualities and aptitudes of employees around a **professional group**, and leaves collective agreements to choose the method of grouping and organizing.

In this way, the elements that define a professional group, according to the Statute of Workers' Rights, are:

- **Professional aptitudes**, which include a series of elements or subfactors, according to the 1997 Agreement on Filling Gaps⁶, which are:
 - **Knowledge.** Assessment of this factor involves weighing up the basic training necessary to do the job and the level of knowledge and experience acquired, as well as the difficulty of acquiring it.
 - **Leadership.** Assessment of this factor shall take into account the level of supervision and organization of roles and tasks, the ability to relate to others, group dynamics and the number of people the employee manages.
 - **Level of autonomy.** Assessment of this factor must take into account the greater or lesser dependence on management in the course of the employee's role.

⁶ Resolution of 13th May 1997 from the Directorate-General for Labor, which provides for entry in the register and publication of the Agreement on Filling Gaps.

- **Initiative.** Assessment of this factor shall involve calculating the greater or lesser dependence on guidelines or standards in carrying out the employee's role.
- **Responsibility.** Assessment of this factor must take into account both the level of autonomy of action of the role holder and the level of influence on results linked to the importance of the consequences of management.
- **Qualifications** that enable the employee to carry out his or her trade or profession.
- **General job content**, which defines the roles to be carried out.

From the definition of these concepts, it is clear that this choice includes factors that are clearly more evident or intense in predominantly masculine⁷ productive sectors or occupations, thus penalizing women.

In fact, the way in which the range of roles is organized or classified plays a major role in wage-fixing.

⁷ PÉREZ DEL RÍO, TERESA *Igualdad y género en el empleo: guías de negociación. Andalusian Council on Labor Relations*

3.3 PROPOSAL FOR A NEW JOB CLASSIFICATION SYSTEM

Below, we draft a proposal for elements of grouping with the aim of producing a neutral job classification system.⁸

Professional aptitudes

This refers to the employee's ability and/or willingness to carry out the roles or tasks required by the profession, but also the possibility of reaching a certain level of professional competence or carrying out certain roles, even if he or she requires training for this. This was stated in the **Labor Court no. 4 of Seville**, in judgment no. 185/2003, of 27th May. This is the way to determine whether or not the employee possesses a professional aptitude.

- **Knowledge.** Assessment of this factor must take into account, in addition to the basic training necessary to be able to perform the assigned task correctly, the level of knowledge and experience acquired and the difficulty of acquiring it. This factor shall also include the following subfactors:

⁸ *Classification de fonctions sexuellement neutre. Mode d'emploi.* Institute for Equality between Men and Women. Brussels

- **Training.** Minimum initial level of knowledge necessary to carry out satisfactorily the roles of the job. Within this factor, training which is not necessary to carry out the roles of the job shall not be assessed^{9,10}
- **Experience.** This determines the period of time required for a person of average ability, and with the necessary basic training, to acquire the skills and practice necessary to do the job, and to perform adequately in quantity and quality.
- **Initiative/Autonomy.** Assessment of this factor shall take into account the greater or lesser dependence on guidelines or standards and the greater or lesser subordination to third parties in carrying out the assigned role. It includes both the need to identify problems and to come up with solutions. It must take into account:
 - **Reference framework.** Assessment of the possible limitations of the job with regards to access to staff with greater responsibility in the company hierarchy or the existence of written standards or procedure manuals.
 - **Decision-making.** Understood as the obligation arising from the job to identify possible solutions and choose the one considered most appropriate

9 Stereotypes justify widespread gender discrimination and reinforce and perpetuate historical and structural models of discrimination. <http://www.unwomen.org/es/news/stories/2011/7/countering-gender-discrimination-and-negative-gender-stereotypes-effective-policy-responses#sthash.03QyQXoy.dpuf>. Lakshmi Puri, Deputy Director of UN Women and General Secretariat. Speech at the panel 'Countering gender discrimination and negative gender stereotypes: effective policy responses', during the coordination segment of the substantive session of ECOSOC in Geneva on 13th July 2011. Also, the report of the Committee on Women's Rights on the elimination of gender stereotypes in the EU (2012/2116(INI)). The speaker Kartika Tamara Kiotard stated the following: 'Considering that, in 2011, women continued to earn on average approximately 16.4% less than men for equal work in the EU, and that the wage gap varies among member states, in some cases exceeding an average of 22%, while the causes are multiple and complex, it is often the result of gender stereotypes and the perception of women only through the prism of the traditional division of roles (...)'

10 This is demonstrated in Supreme Court Judgment RJ/2014/2808 on legal basis.

- **Complexity.** This principle is assessed based on the impact on the assigned task or job of the following criteria:
 - **Difficulty of the job.** Difficulty of the task to be carried out and the frequency of possible incidents.
 - **Physical strain.** Intensity and continuity of the physical strain required and fatigue caused by positions that entail physical discomfort. This shall take into account the level of regularity of the strain.
 - **Mental strain.** Intensity and continuity of the mental strain required and mental fatigue caused by situations that entail mental discomfort. This shall take into account the level of regularity of the strain.
- **Responsibility.** Assessment of this factor shall take into account the level of autonomy of action of the role holder, the level of influence on results and the importance of the consequences for management of the activity carried out. This must take into account the following subfactors:
 - **Responsibility for management and results.** This considers the responsibility undertaken by the occupant of the post for errors that may occur. It shall assess not only the direct consequences, but also the possible effects on the progress of the company. In this sense, it shall consider not extremes, but a logical and normal average; a correct assessment must take into account the degree to which the work is supervised or subsequently checked.
 - **People skills.** This values the responsibility taken by the employee who occupies the position for official contact with other people inside and outside the company.
- **Leadership.** This encompasses all tasks planning, organizing, controlling and leading the activities of others by the management of the company. This requires the necessary knowledge to understand, motivate and develop subordinates.

Assessment must take into account:

- The ability to organize tasks.
- Group dynamics.
- The number of people the employee manage.

Qualifications

Qualifications that prepare the employee for the profession or membership of a professional group. Within these qualifications and as a result of the National System of Professional Qualifications, there is an instrument that orders all recognized and accredited professional qualifications identified in the productive system according to competencies appropriate to professional practice; this tool is the National Catalog of Professional Qualifications (CNCP). The CNCP includes:

TRAINING:

- 'Training within the education system.
- Vocational training¹¹ made up of:
 - Occupational vocational training.
 - Continuous vocational training.

ACCREDITATION:

- Professional experience:
- Informal learning.

¹¹ Regulated by Law 56/2003, of 16th December, on employment and Law 5/2002, of 19th June, on qualifications and vocational training.

Official accreditation, granted by the relevant labor administration, proves that the employee has the ability to do the job. It requires assessment of the professional competences acquired through professional experience and informal training.

It should be remembered that the Interconfederal Agreement for Collective Bargaining, 2010 and 2011, has been a recurring theme in the call to negotiators for the inclusion in the job classification system of the qualification levels articulated through the National Qualifications System, the European Qualifications Framework and ultimately the groups fixed by the agreement on filling gaps.

General job content

This refers to the range of activities (tasks and roles) that make up the professional specialty. It includes the following secondary criteria:

- Psychological stress: intensity and frequency.
- Physical stress: intensity and frequency.
- Sensory stress: intensity and frequency.
- Environmental stress: intensity and frequency.
- Percentage of irregular working hours over a year.

This set of grouping criteria is becoming one of the basic tools for the **neutral** allocation of roles to each group of employees, so the design of these grouping elements plays a major role in progress towards equal work.

MODEL CLAUSES TO BE INTRODUCED IN COLLECTIVE AGREEMENTS

'The design and organization of professional groups is free from all kinds of discrimination, whether direct or indirect'.

'In the design and development of the job classification system, the definition of roles and/or tasks is based on a neutral perspective, eliminating sexist language'.

'If a job includes core activities that belong to different professional groups, the classification shall be based on the activities of the professional group in which the employee spends most of his or her day, bearing in mind, in any case, the criteria of equal work in order to avoid any kind of discrimination'.

'Companies in the sector are obliged to assess jobs with the aim of evaluating the professional framework with a gender perspective'.

4.

**PAY
STRUCTURE:
WAGES,
SUPPLEMENTS
AND OTHER
ITEMS OF
REMUNERATION**

4.1

NOTION OF PAY

Pursuant to the standard of 'equal pay for equal work', European and Constitutional Court case law embraces a much broader concept of pay than the definition of wages provided by the Statute of Workers' Rights (article 26.1, LET).

Wages may be paid in cash and/or in kind provided that the latter does not exceed 30% of the total payment.

The use and enjoyment in an individual capacity by the employee and his or her family of certain goods or services provided by the company (use of a car or house, mobile, etc.) must also be counted as wages.

In addition to wages, all perks and social benefits are also subject to this rule. The nature of these items of remuneration as compensation for costs incurred in the job is therefore irrelevant.

4.2 PAY STRUCTURE REGULATED IN THE STATUTE OF WORKERS' RIGHTS

The basic salary must form part of the wage structure as 'fixed payment per unit of time or work'. The basic salary is determined by the job classification system and type of working day or in accordance with results. Sometimes both criteria are used to determine the basic salary (mixed wage determination).

Collective bargaining is often used to fix the basic salary according to the professional group and/or category. This is a floor salary and introduces stability by mitigating wage disparity and, where applicable, preventing an increase in the pay gap. Therefore, collective agreements that regulate a sector-wide guaranteed minimum wage deserve praise.

Bonuses are regulated separately from the basic salary and are considered as wages with the distinctive feature that they are paid at intervals of more than one month. The statute states that two bonuses must be paid, one at Christmas and the other in the month specified in the agreement. Case law has noted that bonuses must constitute thirty days' wages and at least match the basic salary. In the regulation of bonuses, collective agreements must avoid penalties caused by career breaks linked to maternity/paternity or other conciliation rights. When setting bonuses, it is also not advisable to include wage supplements that, although not discriminatory, are not gender-neutral such as, for example, seniority.

The Statute of Workers' Rights makes it clear that the inclusion of **wage supplements** is optional, although they are regulated in the majority of collective agreements.

Article 26.3, LET lists only the three main reasons for wage supplements: the employee's personal circumstances, the work undertaken and the company's situation and results.

Therefore, supplements paid for any reason other than the three listed must be considered as basic salary. This is the case with regular bonuses such as the so-called standard bonus, whose existence is often explained in the guarantee of rights acquired by employees in relation to items of remuneration that have been removed. In order to guarantee greater transparency on pay and to avoid gender discrimination, it is recommended that collective agreements clearly define items of remuneration and criteria.

Below, we will examine some wage supplements that may have a greater gender impact and cause a greater wage differential between men and women. Even though these wage differentials shall only be considered discriminatory if they are not justified, it is advisable that these wage structures be revised so as not to cause significant wage differentials between men and women.

4.3 WAGE SUPPLEMENTS WITH A GREATER GENDER IMPACT

Personal supplements

This factor includes wage supplements that take into account the employee's personal or professional circumstances such as their links to the company and their aptitudes and qualifications.

The most common personal wage supplements are those for seniority, qualifications, languages, knowledge, etc.

Seniority supplement. Still very common in collective bargaining, this rewards the employee's seniority or length of service in the company. It is a type of supplement that has a negative impact on many women, especially in traditionally masculine occupations.

Despite warning of this impact, the Court of Justice of the European Union considered that this wage supplement could not be presumed discriminatory unless its allocation was discriminatory (Cadman affair, STJUE [Judgment of the Court of Justice of the European Union] of 3rd October 2006). Nevertheless, it recommended its gradual removal, while avoiding equally discriminatory solutions such as dual salary scales.

There are other, more neutral criteria for assessing experience linked to the knowledge acquired in the performance of the employee's duties or taking into account other training elements.

If this supplement is not removed, it is recommended that collective agreements minimize the impact by regulating shorter qualifying periods and reducing the weight of this supplement in relation to total pay.

Job-related supplements

These supplements are linked to the effective completion, circumstances and conditions of the work carried out in the course of the employee's job.

The most common job-related supplements are hazard pay, shift bonuses and night shift bonuses.

Hazard pay is granted because the employee carries out work in conditions that require greater effort or hardship and involve certain risks to his or her health in a broad sense. Clearly, this risk is inherent in the nature of the job itself, so the company has applied all reasonable prevention measures.

This type of supplement is often regulated without clarifying and justifying why it is paid, and sometimes its presence is justified out of habit in agreements that have their origins in labor ordinances. These supplements are mainly associated with occupations and categories traditionally made up of men and take into account criteria such as physical strength, environmental conditions, etc.

In these kinds of supplements, it is advisable to include other circumstances that have a negative effect on physical and mental health in the course of work that occur more frequently in more feminine occupations such as ergonomic issues, emotional strain, the need for continuous attention and concentration or the adoption of repetitive postures.

Supplements for quantity and quality of work

These supplements are linked to results and reward employees' greater effort in the course of their work, whether quantitative or qualitative criteria are applied

The quantity and quality supplements most commonly regulated in collective agreements are very varied: bonuses and incentives, performance, attendance or diligence bonuses, overtime, extension of working hours bonuses, availability bonuses, etc.

The supplement that has the greatest negative impact on women is overtime where it encourages employees, voluntarily unless otherwise agreed in a collective agreement or employment contract, to increase the number of hours they work compared to their normal day. The assumption of family responsibilities, mostly by working mothers, means that de facto, more men than women benefit from this wage supplement.

For the same reason, bonuses linked to greater flexibility in working hours, such as extension of working hours or availability bonuses, have a strong gender impact.

Finally, it is important to note that some attendance bonuses penalize absences linked to maternity/paternity or the exercise of conciliation rights. In this sense, it is advisable to include more gender-neutral clauses. For example, the 4th National Collective Timber Agreement only counts as absence sick leave that has its origins in common illnesses.

4.4 BENEFITS

We must also examine the gender impact of benefits and ensure that their cause and application is not discriminatory.

The most common benefits are those that are awarded regularly, but also subsistence allowances, voluntary benefits and contributions to pension plans and other social benefits.

In general, since men are more mobile and able to travel more easily, they are the main beneficiaries of these kinds of payments, even though they are not discriminatory.

With respect to pension plans and funds, it is important to examine the requirements demanded of participants and to ensure that they are not discriminatory. The regulations on pension plans and funds allow employment schemes to impose a requirement of up to two years' service with the company. However, there are no other exceptions in regard to type of contract. We should also review which items of remuneration are used to calculate wages to avoid a multiplying effect on wage differentials between men and women.

MODEL CLAUSES TO BE INTRODUCED IN COLLECTIVE AGREEMENTS

'Part-time employees shall have the same rights and equal treatment in labor relations as other employees, except for the limitations derived from the nature of their contract. Part-time employees shall receive expenses for food, travel etc. in the same way as other employees and may be compensated in cash if this is agreed'.

5. **SUMMARY AND CONCLUSIONS**

What are the possibilities of collective bargaining in terms of equal pay?

- Gender mainstreaming.
- Innovation in collective bargaining from an equality perspective.
- Complementarity of legislation and collective bargaining.
- Greater awareness of social partners of the impact of collective bargaining on gender equality.
- Equal pay guarantee through equality plans.

What are the redress procedures in defense of equal pay?

- Non-judicial redress procedures: trade union representation in the workplace, mediation, arbitration and conciliation mechanisms and complaint to the labor inspectorate.
- Judicial redress procedures: legal guarantees derived from the violation of a fundamental right.

What should a wage structure with no negative impact on women look like?

- Job classification must be gender-neutral: general criteria for grouping occupations must facilitate a neutral allocation of jobs to each group of employees.
- The names and roles of professional groups must be neutral and aim not to prejudge.
- Jobs that require equal work must be placed in equal categories for the purposes of equal pay.

What should a wage structure with no negative impact on women look like?

- Criteria for items of remuneration must be fixed clearly and transparently.
- It is recommended that collective agreements fix a sector-wide guaranteed minimum wage (basic salary plus other items of remuneration) to avoid significant wage dispersion.
- We must determine what percentage of the total pay is made up of wage supplements and benefits.
- We must review the reasons for wage supplements to make sure they have an objective and reasonable justification.
- We must avoid supplements that penalize extended leaves of absence linked to conciliation (attendance and length of service bonuses).
- We must avoid giving excessive weight to supplements linked to attendance and flexibility of working hours (extension of working hours bonus) or mobility.
- We must avoid giving excessive weight to seniority and take into account other aspects linked to professional experience such as the knowledge and training acquired.
- We must avoid supplements that penalize extended leaves of absence linked to conciliation (attendance and length of service bonuses).
- We must avoid giving excessive weight to seniority, assessing professional experience through other factors such as assessment of knowledge.

Mechanisms that help to prevent and eradicate wage discrimination

- Awareness of the way in which a culture of equality can be built up in the workplace where men and women are guaranteed equal opportunities and joint responsibility in the exercise of conciliation rights.
- The company's obligation to provide information on wages broken down by sex and professional groups.
- The company's commitment to assess jobs in a non-sexist way.
- Inclusion of mechanisms to correct wage inequalities in company equality plans or in the provisions of sector-wide collective agreements.
- Negotiation of alternatives to the policy of intensive use of overtime in the workplace.
- Inclusion in all agreements of wage equality clauses and a commitment from the negotiating parties to review the gender impact on wages.
- Promotion of non-judicial conflict resolution, whether through the joint committee set up by the collective agreement or arbitration, mediation or conciliation bodies.

6. **GLOSSARY OF TERMS**

Positive action: differences in treatment according to sex (gender) that are necessary to achieve real equality.

Burden of proof: the person considered to be the victim of discrimination does not need to prove its existence; once he or she has presented any hint of it, it is up to the defendant to demonstrate that there is no discrimination.

Gender gap: The term gender gap refers to any disparity in the conditions or position of men and women in society. It is often used to refer to the difference in earnings between men and women; e.g. 'gender pay gap'. However, there can be gender gaps in many areas, such as the four pillars used by the World Economic Forum to calculate its Gender Gap Index, namely: economic participation and opportunities; access to education; health and life expectancy; and political empowerment.

Pay gap: wage differentials between men and women, both for equal jobs and in 'feminine' jobs.

Data broken down by sex: This is data covered by the classification that is broken down by sex and therefore presents separate information for men and women, boys and girls. Data broken down by sex reflects the roles, real situations and general conditions of men and women, boys and girls in each aspect of society. For example, the literacy rate, education level, business ownership, employment, wage differentials, dependents, home and land ownership, loans, debts, etc. When data is not broken down by sex, it is more difficult to identify real and potential inequalities. Data broken down by sex is necessary for an effective gender analysis.

Discrimination: a situation of disadvantage or prejudice that affects one of the groups that traditionally find themselves in worse conditions, such as women in relation to paid employment, and which society considers reprehensible.

Open, direct discrimination: a situation of disadvantage or prejudice that affects one of the groups that traditionally find themselves in worse conditions, such as women in relation to paid employment, and which society considers reprehensible.

This situation arises from a difference in treatment according to sex (gender) and there are formal signs of it.

Hidden direct discrimination: a situation of disadvantage or prejudice that affects one of the groups that traditionally find themselves in worse conditions, such as women in relation to paid employment, and which society considers reprehensible. This situation arises from a difference in treatment according to sex (gender), but there are no formal signs of it.

Indirect discrimination: a situation of disadvantage or prejudice that affects one of the groups that traditionally find themselves in worse conditions, such as women in relation to paid employment, and which society considers reprehensible. This situation arises from objective decisions or practices that do not a priori distinguish between men and women, but have discriminatory effects.

Multiple discrimination: a situation of disadvantage or prejudice that affects one of the groups that traditionally find themselves in worse conditions, such as women in relation to paid employment, and which society considers reprehensible. This situation covers more than one factor of discrimination at the same time, for example, sex and ethnic origin.

Gender impact: identification and assessment of the different results and effects of a regulation (this includes collective agreements and equality plans) or public policy on one or the other sex, with the aim of neutralizing this impact to avoid possible discriminatory effects. Decision that appear to have a different impact on men and women, even when this consequence was not foreseen or desired. Therefore, an assessment of the gender impact must be carried out to avoid unintended negative consequences and to improve the effectiveness of policies.¹²

¹² Gender impact assessment guide EU.

Statistical proof: quantitative data (percentages and absolute numbers) that prove the existence of discrimination. This is especially useful for tackling possible discrimination in terms of job assessment and pay.

Pay: basic salary, wage supplements and all other economic benefits (in cash or in kind) received by the employee directly or indirectly in the course of their employment.

Equal work: work that is comparable in terms of the difficulty of the roles, working conditions, qualifications, physical or mental strength, skills, attention and responsibility.

Gender mainstreaming: The organization, reorganization, improvement, development and evaluation of political processes to ensure that the gender equality perspective is included in all policies, at all levels and stages, by actors normally involved in the adoption of policy measures.

Sources: *Guía para la evaluación del impacto en función del género*. UE, and *Training Center Glossary*, UN Women

