

# Gender Pay Gap: New Solutions for an old Problem

Final Conference: „Strategies against Gender Pay Gapping“



## Presentation of eg-check.de

a tool-box for testing equal pay

Zagreb, June 8<sup>th</sup> 2016



## eg-check.de (entgeltgleichheit = pay equality)

- ... was launched in 2010 von K. Tondorf und A. Jochmann-Döll with support of the union-related Hans-Böckler-Stiftung. Update in 2014.
- ... is based on german and european statutory provisions and case law.
- ... is a tool-box for testing pay regulations and pay practices with respect to direct or indirect pay discrimination.
- ... tools can be used one by one or in combination, depending on the subject and aim of the test.
- ... is not centrally monitored or coordinated, but supported by the Federal Anti-Discrimination-Agency.
- ... free download on [www.eg-check.de](http://www.eg-check.de). *(pitifully in german only)*

# Testing pay equality with



## Overview of the tools in the tool-box eg-check.de

Pay components	Statistics	Check of regulations	Pair Comparisons
	<i>Which data? How to present?</i>	<i>Testing collective agreements</i>	<i>Woman vs. man female vs. male dominated job</i>
Basic pay (factor-based)	Statistics Basic Pay	Check of regulations Basic Pay	Pair Comparison Basic Pay Pair Comparison Equal Value
Pay levels (experience-based)	Statistics Pay levels	Check of regulations Pay levels	Pair Comparison Pay levels
Performance pay	Statistics Performance pay	Check of regulations Performance pay	Pair Comparison Performance pay
Overtime pay	Statistics Overtime pay	Check of regulations Overtime pay	Pair Comparison Overtime pay
Hardship allowances	Statistics Hardship allowances	Check of regulations Hardship allowances	Pair Comparison Hardship allowances

# Testing pay equality with



## Example 1: Statistics Basic pay (extract) Equal pay for work of equal value?

Work women/men			Pay women/men			
Jobs	Number of employees in the job		Percentage of women in %	Pay grade	Number of employees with personal allowance	
	male	female			male	female
...						
Geriatric nurse	9	50	85%	VII		0
Janitor/Craftsman	4		0%	VII	0	

Equal pay for work of equal value?

# Testing pay equality with



## Check of regulations „Basic pay“ (extract: 1/14 questions)

Question	Explanation and background
<p>5. Concerning the factors</p> <p>Does the job classification (evaluation) system ensure, that all the characteristic demands and strains of jobs of women and men are included?</p> <p><input type="checkbox"/> yes                      <input type="checkbox"/> no</p>	<p><i>In it's judgement „Rummler“, the ECJ establishes the principle, „that the work actually carried out must be remunerated in accordance with its nature“ (C-237/85, no. 23). It is to be tested, “whether a job classification system as a whole allows proper account to be taken of the criteria necessary for adjusting pay rates” (C-237/85, no. 16).</i></p> <p><i>Especially, there have to be included criteria, which are characteristic for female-dominated jobs, such as responsibility for people, monotonous movements, communicative demands.</i></p> <p>.....</p>

# Testing pay equality with



## Pair comparison Equal Value (comparative job evaluation)

### 1. Knowledge

- 1.1 Specialized knowledge and skills
- 1.2 Specialized additional qualifications
- 1.3 multidisciplinary knowledge and skills
- 1.4 Required practical specialized experience
- 1.5 Planning and organizing
- 1.6 Management of work interruptions
- 1.7 Continuous attention and concentration

### 2. Psycho-social demands

- 2.1 Communicative skills
- 2.2 Cooperative skills
- 2.3 Empathy and power of persuasion
- 2.4 Loading psycho-social conditions

### 3. Responsibilities

- 3.1 Responsibility for money and goods
- 3.2 Responsibility for the physical and psychological health and data security
- 3.3 Responsibility for the work of others and leadership
- 3.4 Responsibility for the environment

### 4. Physical demands

- 4.1 Physical strength
- 4.2 Demands on body posture, body movements and sensory organs
- 4.3 Loading working-time conditions
- 4.4 Loading working conditions

Results of



## Example 2: Pair Comparison Equal Value (result sheet)

Demands/Strains	Geriatric nurse	Craftsman/ janitor
1. Knowledge	9	9
2. Psycho-social demands	9	4
3. Responsibility	3	3
4. Physical demands	7	2
<b>Total points, unweighted</b>	<b>28</b>	<b>18</b>

Source: confidential findings of a testing project

**Both pay grade 7!  
Upgrading?**

## Previous application of

- Sensibilisation for pay discrimination in the legal sense (Seminars, Workshops, Presentations)
- Several testing projects in public and private companies, partly financed by the Federal Anti-Discrimination-Agency (ADS)
- Certificates for testing pay equality by the ADS for (by now) 12 companies
- Tests of collective agreements on sectoral or company level by us, collective parties, equal opportunities representatives
- Development of grading systems for companies
- Application in scientific projects

# Experiences with the application of



## ➤ Sensibilisation

- Knowledge about legal provisions and forms of discrimination are not always present (and not by everybody)
- Frequently we observed a growing appreciation for systematic and analytical job evaluation, but not always

## ➤ Pay Components

- Basic pay: different results, we found equal as well as unequal pay for work of equal value
- Pay levels: large differences in the pay amounts, high discriminatory potential because of non-binding regulations
- Performance pay: largest bias between full-time and part-time
- Hardship allowances: high discriminatory potential, as old regulations are still favouring „hard“ male-dominated blue-collar work

# Experiences with the application of



## ➤ Concept of the projects

- Previous projects are voluntary, have a sample character, results are not sufficiently valid
- More extensive tests are necessary: more jobs, more pay components

## ➤ Sustainability

- phenomenon of „bound hands“
- Company level parties point to the sectoral bargaining parties
- Changes in sectoral collective bargaining classification systems are slow, companies always have the desired result
- Publication of results is not sufficient

**Conclusion:** We know enough. What we need is an **Equal Pay Law**, that makes tests binding.