



REPORT ON GENDER PAY GAP: IMPACT, COLLECTIVE BARGAINING AND UNION ACTION



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INTRODUCTION

The pay gap is a persistent and universal problem. Since women began to form part of the so-called “active population,” they have generally been paid less than men. For a long time, women’s pay was considered merely as a bonus; this led to a vicious circle of badly paid jobs that ended up justifying women’s lower pay. Although, with the passing of time, the policy of establishing expressly different wage scales for men and women that do the same job or similar jobs has practically been abandoned everywhere, there are still pay differences between men and women that do different jobs with equal value. Women cannot expect any lasting improvement in their economic situation as long as their time and talent is valued less than that of men. Overcoming this situation will help to improve gender equality in general terms in the job market. Overcoming pay gaps between men and women is important to:

- Help to change stereotypes regarding women’s aspirations, preferences, capacities and “suitability” for certain jobs and/or posts.
- Increase women’s pensions and reduce their risk of poverty during old age.
- Make women less vulnerable to the possibility of falling into poverty.
- Reduce the possibility of low-income households, including those maintained by women, falling into poverty or staying poor.
- Increase companies’ capacity for attracting and keeping the best workers.

Women’s professional segregation in certain jobs, occupations and sectors increases the possibility of undervaluing work carried out mainly by women, in comparison to jobs done mainly by men. Female discrimination in hiring, access to training, promotions, as well as the unequal distribution of domestic and family responsibilities between men and women, has a direct effect on women’s pay. At the same time, low or unequal pay for women will prevent subsequent progress being made in men and women’s participation in employment on an equal basis. When women earn less money than their male colleagues, it is less probable that there will be a balanced distribution of household and family work and responsibilities, which moves many women to give up their jobs. Matters regarding equal pay should therefore be included and dealt with in gender equality policies and plans at all levels. Gender pay gaps are an important indicator of the advances made in attaining gender equality.



REGULATORY FRAMEWORK

INTERNATIONAL, EUROPEAN AND SPANISH REGULATIONS ON EQUALITY

After the Second World War, the Charter of the United Nations (1945) was approved and the Universal Declaration of Human Rights was ratified by the General Assembly of the United Nations in 1948. The Charter of the United Nations was the first international instrument to establish the principle of equality for men and women by *"reaffirming faith in people's fundamental rights, in the dignity and value of the human person, in the equality of rights for men and women."* An important achievement by the United Nations in this matter was the Universal Declaration of Human Rights, whose first article establishes that *"all human beings are born free and equal in dignity and rights"* and whose second article declares that everyone is entitled to human rights and freedoms *"without distinction of any kind, such as race, colour, sex, language, religion, political or any other opinion, national or social origin, property, birth or any other status."*

Since the generic Declaration of Human Rights was not enough, a more specific declaration was required. Therefore, in 1946, the UN Commission on the Status of Women was established with the mission, among others, of preparing a series of documents to make public declaration of women's political and social rights.

Included amongst the most important instruments for tackling female discrimination are the Declaration of the General Assembly of the United Nations on the Elimination of Discrimination against Women (1967) and the Convention on the Elimination of All Forms of Discrimination against Women, which was passed on December 18, 1979, and came into force on September 3, 1981. It consists of a preamble and 30 articles, and enacts legally binding universal principles and measures to be adopted by States and certain private actors, to ensure that women enjoy equal rights everywhere and advance in the recognition and consolidation of the principle of non-discrimination. Its articles include dispositions regarding employment (Article 11), and economic and social benefits (Article 13).

International Labour Organisation

The Declaration of Philadelphia of 1944 establishes that *"all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity."*

The International Labour Organization's (ILO) Declaration of 1998 regarding fundamental labour principles and rights establishes that all Member States are obliged to respect, promote and fulfil principles regarding fundamental rights, irrespective of whether they have ratified the corresponding Agreements or not. These rights include the elimination of discrimination with regard to employment. The Declaration on Social Justice for a Fair Globalization of 2008 affirms that gender equality and non-discrimination are multi-level principles of the ILO's Decent Work Program.

Agreement 100 on Equal pay (1951) was the first international instrument regarding this matter. The Agreement was not approved after the Second World War by chance, since women had worked on the front line of production in many countries during the war. Equal pay for men and women was an important first step towards greater equality in society, since the pay gap is one of the most obvious and measurable forms of discrimination. Recommendation No. 90, which accompanied Agreement No. 100, grants special importance to social partners in the context of job evaluation.

Agreement 111 forbids distinctions, exclusions or preferences for different reasons, including gender, that have a negative impact on equal opportunity and treatment in employment and occupation. The Recommendation accompanying Agreement 111 refers to the need for formulating a national policy to prevent discrimination in employment and occupation, taking a series of principles into account. These principles include equal opportunities and treatment regarding pay for everyone for work of equal value. With a ratification rate of more than ninety per cent on the part of Member States in the case of Agreements No. 100 and No. 111, there is a clear consensus regarding the importance of the principles and rights enshrined therein.

Agreement 156 establishes that Member States should include, among other objectives of their national policy, that of enabling persons with family responsibilities to work without experiencing any type of discrimination.

Agreement 183 requires adopting the necessary measures to ensure that pregnant or breastfeeding women are not obliged to do a job that has been considered by a competent authority to be harmful to their health or that of their child.

European Union Agreements

The right to equal pay for work of equal value without discrimination has been guaranteed as a human right by international legal instruments since 1948, when the United Nations adopted the Universal Declaration of Human Rights, in which this right is defined in Article 23.

Ending the pay gap between men and women has long been a priority of the EU. The EU's commitment to eliminating the pay gap originated in the Treaty of Rome of 1957. Specifically, its Article 141, "Each Member State shall ensure that the principle of equal pay for equal work or work of equal value is applied," has served as the basis for implementing different important European measures in this regard.

The following are the most outstanding measures:

- ⦿ **Directive 75/117/EEC of the Council**, of February 10, 1975, in relation to the approximation of Member States' legislations regarding the application of the principle of equal pay between male and female workers.

This Directive forbids any gender-based discrimination with regard to pay. It opens up the possibility of legal proceedings to those who have experienced infringement of the principle of equal pay, and protects those who complain about their employers' reaction. It likewise invites Member States to eradicate any discrimination enshrined in their legal, regulatory or administrative dispositions, and to inform male and female workers about the measures adopted in application of the Directive.

- ⦿ **Directive 2002/73/EC of the European Parliament and the Council**, of September 23, 2002, which modifies Directive 76/207/EEC of the Council, in relation to the application of the principle of equal treatment between men and women with regard to access to professional employment, training and promotion, and working conditions.

This Directive establishes the definitions of direct and indirect discrimination and requires that EU countries establish equality organisms to promote and support equal treatment between men and women.

- ⦿ **Directive 2006/54/EC of the European Parliament and the Council**, of July 5, 2006, in relation to the application of the principal of equal opportunities and equal treatment between men and women in matters of employment and occupation (recasting).

The objective of this Directive is to simplify, update and improve European Union legislation in the field of equal treatment between men and women in matters of employment.

The European Pact for Gender Equality adopted by EU leaders in 2006 made tackling the gender pay gap a priority, by promoting equal pay for work of equal value in the Union's Member States.

- ⦿ **The European Commission's Report of 2007** aimed at combating the pay gap between men and women, which examines the causes of the gender pay gap and proposes actions to deal with the problem:

- Ensuring better application of current legislation.
- Combating the pay gap as a part of employment policies in EU countries.
- Promoting equal pay among employers, especially by means of social responsibility.
- Supporting the exchange of good practices throughout the European Union and the participation of social partners.

- ⦿ **Conclusion of the Council on March 7, 2011, on the European Pact for Gender Equality (2011-2020)**. Five years after adopting the first European Pact for Gender Equality, a new impulse is required, especially in order to reaffirm and support the close relationship between the European Commission's Strategy for Equality between Men and Women (2010-2015) and the so-called "Europe 2020: European Union strategy for employment and smart, sustainable and integrating growth." The Council thereby reaffirms its commitment to fulfilling the European Union's ambitions regarding gender equality as included in the Treaty, and particularly:

"Reducing inequalities in relation to employment and social protection, including pay differences between men and women, in order to attain the objectives of the Europa 2020 strategy, especially in three fields of great importance for gender equality, namely, employment, education and the promotion of social inclusion, particularly by reducing poverty, thereby contributing to the European active population's growth potential."

- ⦿ **European Strategy for Growth and Employment**

Europa 2020 is the European Union's growth strategy for the decade 2010-2020, whose objective is not only overcoming the crisis that continues to afflict many economies, but also to address the growth model's defects and create favourable conditions for a different type of growth, one that is smarter and more sustainable and integrating.

This strategy should enable the European Union to attain smart growth, by developing knowledge and innovation, sustainable growth based on an economy that is greener, more efficient in the management of resources and more competitive

and integrating growth, aimed at boosting employment, social and territorial cohesion.

To that end, it has set five key objectives that the EU should attain by the end of the decade in the fields of employment, education, research and innovation, social integration and reduction of poverty, and climate change and energy:

1. **Employment.** Seventy-five per cent of the population ages 20 to 64 should be employed.
2. **R&D.** Three per cent of the EU's GDP should be invested in R&D.
3. **Climate change and energy sustainability.** Reducing greenhouse gas emissions by 20% (or 30% in the right conditions), increasing renewable energy sources by 20%, and increasing energy efficiency by 20%.
4. **Education.** The percentage of school dropouts should be less than 10% and at least 40% of people ages 30 to 40 should have completed higher education.
5. **Tackling poverty and social exclusion.** Reducing by 20 million the number of people in situations or at risk of poverty and social exclusion.

This strategy features so-called “*emblematic initiatives*” that should be implemented or included in the Member States’ national plans:

1. «*Union for innovation*,» with the objective of improving the general conditions of and access to financing for research and innovation, and guaranteeing that innovative ideas are turned into products and services that generate growth and employment.
2. «*Youth in movement*,» to improve the education systems’ results and facilitate young people’s entry into the job market.
3. «*A digital agenda for Europe*,» with the objective of accelerating the deployment of high-speed Internet and helping families and companies benefit from a single digital market.
4. «*A Europe that uses resources efficiently*,» to delink economic growth and use of resources, support the change towards a low-carbon emission economy, increase the use of renewable energy sources, modernise our transport sector and promote energy efficiency.
5. «*An industrial policy for the era of globalisation*,» to improve the business environment, especially for SMEs, and support the development of a strong and sustainable industrial base, capable of competing globally.
6. «*Agenda of new qualifications and jobs*,» to modernise job markets and promote per-

sonal autonomy, by developing capacities throughout one’s life with the objective of increasing job participation and balancing job supply and demand, particularly by means of job mobility.

7. «*European platform against poverty*,» to guarantee social and territorial cohesion so that the benefits of growth and employment are widely shared and those experiencing poverty and social exclusion may live decently and play an active role in society.

Gender equality is not dealt specifically in any of the emblematic initiatives and is not mentioned in the five quantifiable objectives, except in the employment rate, which calls for more female participation in employment.

Report on the Pay Gap between Men and Women of 2007

A Report adopted by the European Commission in 2007 regarding the causes of the pay gap between men and women proposed a series of measures to deal with the problem. These included the following proposals: improving the application of current legislation; tackling the pay gap in employment policies; promoting equal pay among businesspeople and by means of social cooperation; and supporting the exchange of good practices throughout the EU.

Strategy for Equality between Men and Women (2010-2015)

Eliminating the pay gap between men and women is one of the fundamental objectives of the «*EU Strategy for Equality between Women and Men (2010-2015)*». This strategy is the result of the work plan (2006-2010) for equality between men and women. It features the priorities defined by the Women’s Charter, constitutes the Commission’s work programme and describes the key actions contemplated between 2010 and 2015:

- economy and job market;
- equal pay;
- equality in top-level posts;
- how to deal with gender violence;
- and promoting equality beyond the EU.

In relation to equal pay, the Commission highlights the fact that there still exist pay disparities between men and women, even between workers that do the same work or work of equal value. There are numerous causes for these disparities, which are mainly related to segregation in the field of education and the job market.

In order to help to suppress pay inequalities, the Commission aims to:

- study along with social partners the possible ways of improving pay transparency;
- support initiatives in favour of equal pay at work, especially by means of equality prizes, letters and labels;
- establish European Equal Pay Day;
- encourage women to work in so-called “non-traditional sectors and jobs,” in ecological and innovative sectors.

Directive on Pay Equality for Work of Equal Value

The principle of equal pay for equal work or work of equal value has been enshrined in Treaties since 1957 and was included in Directive 2006/54/EU (recasting).

One of the Commission’s priorities for upcoming years will be monitoring the correct application and observance of the equal pay dispositions in Directive 2006/54/EC and supporting workers, Member States and other interested parties by means of guidelines regarding the correct application and observance of current regulations. In this context, in 2013 the Commission published a report on the application of Directive 2006/54/EC.

This report is mainly centred on evaluating the practical application of dispositions regarding equal pay. It includes a summary of the most outstanding jurisprudence in relation to equal pay, as well as a section on job classification systems and examples of national actions.

In March 2014, the Commission published a recommendation in which it highlights pay transparency. The recommendation is aimed at proposing measures for Member States in order to facilitate pay transparency in companies, such as, for example, improving employee access to information regarding their salaries or establishing wage information systems and gender-neutral job classification systems in companies.

SPANISH REGULATIONS

The Spanish Constitution (CE) is the basic framework of the right to equality and non-discrimination, in Article 14, and in its application by Law 3/2007, of March 22, for the Effective Equality of Men and Women in Article 3, which establishes that “*the principle of equal treatment between men and women means the absence of all direct or indirect gender discrimination.*”

In our labour context, in the legal instrument that regulates our labour relations, the Workers’ Statute

(ET), in relation to pay discrimination, Article 28 in its adaptation to the transposition of Article 4 of Directive 2006/54/EC, as interpreted by the European Union’s Court of Justice: “*Equal pay based on gender. The employer is obliged to pay for work of equal value the same remuneration, directly or indirectly, regardless of the nature of such, salary or non-salary, without incurring in any gender discrimination in any of its elements or conditions.*”

Organic Law 3/2007 for the Effective Equality of Men and Women (LOIEMH) is the framework regulation in combating gender discriminations and attaining real, effective equality between men and women, in all orders of social life, with special repercussion in the labour field, to which Title IV is devoted.

It is worth highlighting the LOIEMH’s Article 43, which empowers the field of collective bargaining to establish affirmative action measures that favour women’s access to employment, and the effective application of the principle of equal treatment and opportunities between men and women. For its part, Article 45 of the LOIEMH establishes that:

“Companies are obliged to respect equal treatment and opportunities in the workplace and, to that end, measures should be adopted to avoid any type of labour discrimination between men and women, measures that should be negotiated and, where applicable, agreed on with the workers’ legal representatives as determined by labour legislation.”

Furthermore, in Article 46 of the LOIEMH, which prescribes the concept and content of equality plans in companies, reference is made to “remuneration,” along with other elements of labour conditions (access, qualifications, promotion, training...) to be included in such plans, since they are liable to feature inequalities that have to be corrected (after detecting such by means of the corresponding diagnosis in the company in question).

JURISPRUDENCE RELATED TO EQUAL INEQUALITY

The European Union’s Court of Justice has played an important role in promoting equality between men and women. The most significant sentences in this regard are detailed below:

- **The Defrenne II sentence of April 1976** (reference C-43/75): the Court recognised the direct effect of the principle of equal pay for men and women, and declared that it is applicable not only to the activity of public authorities but also to all collective agreements for regulating employed work.

- ⊙ **The Bilka sentence of May 13, 1986** (reference C-1780/84): the Court considered that a measure that excludes part-time workers from a professional pension system is «indirect discrimination» and, therefore, contrary to former Article 119 if it affects a much higher number of women than men, unless it can be demonstrated that exclusion is based on objectively justifiable factors unrelated to all gender discrimination.
- ⊙ **The Barber sentence of May 17, 1990** (reference C-262/88): the Court decided that all forms of professional pensions are remuneration in relation to Article 119, which means that the principle of equal treatment applies to such. The Court ruled that male workers should enjoy their rights regarding old-age or survivor's pensions at the same age as their female colleagues.
- ⊙ **The Nimz sentence of February 7, 1991** (reference C-184/89): there exists indirect discrimination in the professional promotion system when female full-time workers are favoured over female part-time workers, in those cases in which most of the part-time staff are women.
- ⊙ **The Boetel sentence of June 4, 1992** (reference C-360-90): pay discrimination of part-time workers with regard to full-time workers, when most of the part-time staff are women;
- ⊙ **The Enderby sentence of October 27, 1993** (reference C-127/92): the employer should justify, by means of objective factors unrelated to any gender discrimination, any pay differences between two functions of equal value, one of which is carried out almost exclusively by women and the other mainly by men.
- ⊙ **The Marschall sentence of November 11, 1997** (reference C-409/95): the Court declared that European Union legislation does not oppose any national regulations that give priority to the promotion of female candidates in activity sectors in which women are much less numerous than men («positive discrimination»), as long as the advantage is not automatic and guarantees that the candidacy of male candidates will be examined without being excluded a priori.
- ⊙ **The Thibault sentence of March 30, 1998** (reference C-136/95): not counting, in relation to professional promotion, days of absence due to maternity is a discriminatory measure.
- ⊙ **The Test-Achats sentence of March 1, 2011** (reference C-236/09): the Court declared invalid Article 5, Section 2, of Directive 2004/113/EC due to being contrary to the principle of equal treatment between men and women in access to goods and services and their supply. Consequently, the same actuarial calculation system should be applied to men and women, when it comes to determining insurance premiums and services.
- ⊙ **The Elbal Moreno sentence of November 22, 2012** (reference C-385/11): The European Union's Court of Justice ruled that Spanish legislation with regard to part-time workers' contributory old-age pension is discriminatory. Requiring a proportionally higher contribution period for part-time workers (mainly women) amounts to a difference in treatment.



CURRENT SITUATION

ACTIONS AND CAMPAIGNS WITHIN THE EUROPEAN UNION

Men and women are entitled to equal pay for work of equal value (normally called “pay equality”). Men and women should not only receive equal pay for equal or similar work but also when they do completely different work that, in accordance with objective criteria, is of equal value. Equal pay is a recognised human right to which all men and women are entitled.

In order to defend this right, both in different European Union organisms and in the different States, various campaigns have been designed and implemented to raise awareness and promote equality in companies and in society as a whole.

a) “Equality is worth it” campaign

In order to help companies deal with equal pay between the sexes, the European Commission implemented the project «*Equality is worth it*» during 2012 and 2013. Its objective was to raise public awareness about the economic arguments in favour of gender equality and equal pay; i.e. better access to female potential in the workforce in a context of demographic changes and shortage of qualified personnel.

b) Equality prizes, letters and labels in favour of equality

In 2010, the European Commission published a study that included an inventory of non-legislative instruments aimed at promoting gender equality in European companies.

Switzerland provided the clearest example of a business certificate regarding the pay difference between men and women: companies obtain a logo that certifies pay equality, if they show that they have applied a fair salary policy between men and women.

c) Specific legislation and collective agreements

Some countries have established dispositions regarding pay transparency or collective agreements and pay equality:

In **Portugal**, almost all employers are obliged to provide the Ministry in charge of work and employment with information from the company's personnel records regarding different aspects of

their working conditions, including remuneration. The personnel records are presented to the work inspection authorities (ACT), unions or workers' committees (subject to application in advance) and the employers' representatives present in the Permanent Commission of Social Consultation (CPCS). Beforehand, the personnel records should be made available to the workers. The Cabinet Meeting held on March 8, 2013, passed a Resolution in which it decided to adopt some measures that guaranteed and promoted equal opportunity and results between men and women in the job market, including the elimination of pay gaps. The measures include the preparation and diffusion of a report on the pay gap between men and women according to sector.

In **France**, the Law of Equal Pay between Men and Women of 2006 establishes the compulsory nature of collective bargaining centred on gender equality, and requires companies to prepare reports on the salary policies and plans that they have established to eliminate the pay gap between men and women. The French government has hardened existing sanctions against companies with 50 or more employees that do not respect their obligations regarding gender equality. For the first time, two companies were condemned in April 2013 for not complying with legislation regarding equal pay.

d) Actions for combating the pay gap nationally

National governments and social partners have adopted a wide range of measures for eliminating the pay gap between men and women. Gender equality plans and audits enable companies to measure their progress in the application of measures in favour of gender equality and equal pay. In some cases, there exists a legal requirement to carry out such plans, while it is done voluntarily in other cases.

In **Austria**, the National Action Plan for Gender Equality in the Job Market obliges companies to publish their equal pay reports. Companies have to prepare reports on their personnel's income every two years. These reports must indicate the number of men and women belonging to each category, as well as the average income, adjusted to work time, of men and women in the respective category. The objective is to increase income transparency and adopt measures aimed at reducing the pay gap between men and women. Reports on equal pay are compulsory for companies with more than 1,000 workers as of 2011 in relation to the year 2010, for

companies with more than 500 workers as of 2012, for companies with more than 250 workers as of 2012, for companies with more than 250 workers as of 2013 and with more than 150 workers as of 2014.

- On April 22, 2012, **Belgium** adopted a law to reduce the pay gap between men and women. In accordance with this regulation, the gap in remuneration and labour costs between men and women must be indicated in the companies' annual audit (bilan social). These annual audits are conveyed to the national bank and the corresponding information is published. Apart from this, the law establishes that companies with more than 50 workers must carry out, every two years, a comparative analysis of their workers' wage structure. If this analysis indicates that women earn less than men, the company is obliged to present an action plan. Lastly, if discrimination is suspected, women can go to their company's mediator to determine if a pay gap really exists and, if so, try and find a transactional solution with the employer.
- In 2012, **Estonia** approved an action plan to reduce the pay gap between men and women. The plan contemplates five main measures:
 1. improving the application of the current Gender Equality Law (e.g. improving the compiling of statistics, awareness campaigns, support for the Gender Equality and Equal Treatment Commissioner's work, etc.);
 2. improving the reconciliation of work and family life (e.g. collaboration with employers);
 3. promoting the integration of the gender perspective, particularly in the field of education;
 4. reducing gender segregation;
 5. analysing salary practices and systems in public-sector organisations and improving the situation whenever necessary. It highlights that the pay gap between men and women is a complex matter, which requires adopting simultaneous measures in all pertinent fields.
- In **Finland**, the three-party equal pay programme for the period 2006-2015 aims to reduce the pay gap from 20% to 15%, as well as applying the principle of "equal pay for equal work." The programme contemplates actions in relation to eliminating segregation, developing salary systems, measures to support women's professional career and calls for social partners to reach agreements aimed at reducing the pay gap.
- In **Lithuania**, gender equality policies are included in the National Equal Opportunities Programme for Men and Women for the period 2010-2014. One of the priorities consists in re-

ducing the pay gap between men and women and includes measures for increasing salaries in sectors dominated by women, such as education, arts and culture, and social work.

- In **Portugal**, the Fourth Equality Plan includes, among its objectives, the reduction of the pay gap between men and women, and the introduction of equality plans in companies.
- **Sweden**: the Discrimination Law of 2009 obliges employers and workers to strive to attain equality and prevent pay differences and other labour conditions between men and women that do the same work or work of equal value. They should likewise promote greater equal pay opportunities for men and women. Lastly, the Law obliges employers to carry out a salary survey every three years to detect, settle and prevent unjustified pay differences and labour conditions between men and women, and to design an equal pay action plan, applicable to companies (if they have 25 workers or more).

In 2014, the Campaign 15:54 was implemented to raise awareness regarding the difference in remuneration between men and women.

- **United Kingdom**: By virtue of the Equality Act 2010, all public authorities must promote equal opportunities between men and women.
- **Spain**: Equal pay for the same work or work of equal value is guaranteed by national legislation. Not only is it included in the Constitution, but also in the Gender Equality Law of 2007 and in the Workers' Statute.

e) Equal Pay Days

The European Commission held the first European Equal Pay Day in 2011. This day is held annually to raise public awareness regarding differences in salary between men and women and the need for ending such differences. The day varies every year according to the European average pay difference and indicates the extra days that a woman has to work to earn the same salary as a man during one complete year of work.

- **Belgium** was the first European country to organise an Equal Pay Day in 2005. The three main unions have organised the Equal Pay Day in recent years. In 2015, the Equal Pay Day was held for the eleventh time.
- In the **Czech Republic**, Professional Women and Businesswomen have organised Equal Pay Day since 2010. On April 24, 2014, the fifth Equal Pay Day was held in the Czech Republic. On that occasion, a conference was held with experts and consultancy services, with 32 businesswomen and female managers sharing their experiences with close to 600 young women.

- In **Estonia**, the National Equal Pay Day of 2013 was held on April 11. The main promoter of the activities was Businesswomen and Professional Women of Estonia. The traditional activity, which consists in serving dishes of salmon with or without dill at different prices, to show the pay difference between men and women in Estonia, will continue to be the same, paying special attention to young people and businesspeople. Businesswomen and Professional Women plan to continue compiling citizen opinions and experiences and to pay special attention to transparent and fair salary systems, which was the main message of the entire 2013 campaign.
- In **Spain**, Equal Pay Day has been held on February 22 since 2011. The Ministry in charge of equality and non-discrimination policies created an institutional logo that is reproduced on the lottery tickets for the draw of that day. Special postage stamps are also published on February 22 to support National Equal Pay Day.

f) Reports on gender equality

Some countries have carried out research reports on the matter of the gender pay gap. Since 2007, the Belgian Government has published an annual report entitled *"The Gender Pay Gap in Belgium,"* which is prepared by the Institute for Equality between Men and Women and presents statistics that correspond with official European indicators.

g) Tools for identifying the pay gap

The transparency of salary systems is a crucial factor for applying pay equality. There are tools that help to guarantee such transparency, e.g.:

In **Germany**, Luxembourg and Switzerland, an online tool (Logib) has been developed that enables companies to analyse their salary and personnel structures and verify that employees of both sexes are receiving the same salaries. This tool also contemplates the preparation of reports analysing the reasons behind the gender pay gap and proposing measures to combat such differences.

In **Austria**, a "Wage and Salary Calculator" has been created to provide updated, easy-to-access information about the regular salaries in a sector or locality. The calculator started functioning in October 2011 and forms part of the National Action Plan for Gender Equality in the Job Market.

In **Spain**, the Institute for Women and Equal Opportunities has provided companies with a tool for detecting the existence of a gender pay gap in their organisation. This tool and its recommendations enable the introduction of the gender perspective into a company's remuneration system and, where applicable, the reduction of the gender pay gap. The tool was presented on February 23, 2015..

h) Principle of equal pay: Gender-neutral job evaluation/classification methods

Gender-neutral job evaluation is very important in order to guarantee that jobs done by men and women are valued the same.

In **Portugal**, a gender-neutral job evaluation method has been prepared in the hotel and catering sector, as part of the project called *"Re-evaluating Work to Promote Gender Equality."* This method enables us to evaluate and compare jobs with a predominance of men and those with a predominance of women, in order to determine whether the pay gap between them is the result of an unfair valuation of women's work and discrimination. A guide has also been prepared for the application of gender-free job evaluation, as well as a training manual.

In 2011, the **United Kingdom** published the Statutory Code of Practice on Equal Pay, a technical guide that illustrates the cases and way in which equal pay legislation can influence real-life situations.

GENDER PAY GAP INDICATORS ADOPTED BY THE COUNCIL OF THE EUROPEAN UNION

Eliminating the gender pay gap is a priority in the European Union's gender equality policy. The Council of Europe has therefore considered it necessary to establish a list of quantitative and qualitative indicators that enable us to see the multi-dimensional nature of the problem, and ensure regular monitoring when it comes to conveying clear political messages.

The pay gap is partially explained by the persistence of salary discriminations for equal work or work of equal value. This is so despite the existence of European legislation tackling this type of gender discrimination, as well as the generalised adoption of national legislation in this regard.

This phenomenon still exists despite the fact that women's employment rate and education level has increased in every State, and that women account for the majority of those with higher-education qualifications.

The Council of Europe analyses the pay gap taking into account a certain number of factors that reinforce inequalities between men and women, such as part-time, age, training level, horizontal and vertical segregation, and workers' personal characteristics regarding marital status, family situation and even country of origin.

Indicator 1: Ratio for all wage earners

This indicator is calculated using the gross monthly salaries of men and women, for both part-time and full-time workers. The advantage of this indicator is that it takes the salary of part-time workers into account for the calculation.

1. Pay gap based on work time

The gross pay gap per hour between men and women is calculated for all full-time and part-time wage earners in all sectors. It is the global indicator that is often used to compare men's and women's salaries and calculate the pay differential between them. It is the most representative indicator for a great majority of women, since part-time has become the main component of female employment.

2. Wage earners in the public and private sectors

This gap is calculated on an hourly basis and on a yearly basis. Salary differences are generally smaller in the public sector because the salary mechanism is regulated, established according to wage scale and with little individual salary variation. The public sector is of great importance for female employment.

3. The effect of work time

Calculating the pay gap according to salaries/hour does not take into account salary differences between men and women as a result of different work times. In order to highlight this aspect of the pay gap, we have to calculate the gap according to the annual or monthly salaries of full-time and part-time wage earners. If there are more female part-time workers than male ones, the gap will increase. This indicator reveals women's average yearly or monthly wage compared to men's.

Using this parameter is justified because part of the gender pay gap is attributable to the greater number of female part-time workers than male ones. It reflects a double disadvantage for women compared to men in relation to salary: they have a smaller average salary/hour than men and do more part-time work. Monthly salary differences are therefore more important than hourly salary differences.

Indicator 2: Total wage bill

This indicator reflects the total pay gap, i.e. the unequal division of salaries between men and women in a country. It calculates the total salary difference according to the number of men and women in the total number of wage earners, considering their participation in the job market regarding the number of paid working days as wage earners.

Indicator 3: Ratio for part-time work

Part-time work generally affects women and involves a smaller salary. It is therefore important to analyse pay gaps by including this information.

This indicator adds a piece of information: the relationship between the gross hourly salary of women working part-time and the gross hourly salary of men working full-time. This reveals a double penalty for women working part-time, since their salary is penalised for being women and part-time workers.

Indicator 4: Ratio according to age and training level

This indicator enables us to analyse the pay gap, taking into account the different life cycles and professional careers of men and women.

Two factors that especially influence the pay gap are age and training level. Age is a determining factor since it reflects professional experience, the evolution of one's career and vertical segregation; it also indicates how seniority and professional experience are remunerated.

1. Age

In relation to the employment rate of young people, we should take into account the fact that a large part of the people making up this group are still studying and are not always seeking employment.

In this case, we have to take into account the generation effect: younger women participate more in the job market than older ones and are better integrated into the job market.

2. Training level

As in the case of age, participation in the job market depends on training level: the employment rate generally increases in line with training level. This is more evident in the case of women.

Women with few qualifications often participate less in the job market, and they are also more susceptible to interrupting their career or giving up all paid work to look after dependent children.

The average salary of the women making up this group is higher than that of poorly qualified women participating in the job market.

Among people with higher training levels, career building and individual salary negotiations play an important role; this often leads to an increase in the pay gap. This result may also underline the professional segregation to which women are subjected. Despite a high female educational level, which even surpasses that of men, women experience more difficulties in accessing jobs with better salaries and they come up against a

“glass ceiling.” On the other hand, remuneration, evaluation and function classification systems are elements that contribute to pay gaps. (Datta Gupta et al. 2001; Rubery 2005).

Indicator 5: Segregation in the job market

One of the factors that explains the pay gap is segregation in the job market. Women are often underrepresented in sectors, professions and posts in which salaries are moderate/low.

There are two types of segregation. Firstly, horizontal segregation that involves gender-based concentration in certain professions and sectors. Secondly, vertical segregation that involves the concentration of women in lower hierarchical posts. Despite having the same qualifications, women do not have the same career opportunities and rarely occupy managerial posts.

Vertical segregation refers to the image of a *glass ceiling*, which represents all the visible and invisible obstacles that hinder women’s access to the top posts in a company. Women are often excluded from the most prestigious professions and those associated with responsibility and high salaries.

In parallel to the *“glass ceiling,”* the phenomenon of barriers blocking the promotion of women, there is also the concept of *“sticky floor.”* This refers to the causes that keep women in the lowest posts of the organizational pyramid.

Indicator 6: Ratio according to personal characteristics

Family composition, marital status or country of birth play an important role in the salaries of men and women, and partially explain the gender pay gap.

In relation to family composition and marital status, these factors have an opposite effect on the salaries of men and women, and can therefore widen the gender pay gap. The salary of women with children and/or married women is generally lower than that of women without children and/or single women and lower than that of men. On the contrary, men with children and/or married men receive on average a higher salary than men without children and/or single men and than women.

This phenomenon can be explained by the gender discrimination and stereotypes that attribute some tasks to men and women according to a gender-based division of work; this can be unpaid work in the private sphere of paid work in the job market.

In the same way, country of birth may have a negative impact on salary. This variable should therefore be included since women can be doubly penalised

in the job market if, apart from being women, they are also foreigners.

Indicator 7: Breakdown of the pay gap using the Oaxaca-Blinder technique

This indicator enables us to see to what extent the variation in men’s and women’s salaries can be attributed to a certain number of variables. The breakdown divides the pay gap into two components: an explained part and an unexplained one.

The first component represents the gap associated with differences observed between men and women. This part indicates to what extent the different characteristics associated with men’s and women’s position in the job market explains the pay gap. *“The woman’s position before her entry into the job market and outside the job market explains in turn the differences in characteristics that would make up the explained part.”* (Meulders et al., 2005)

If young women are systematically guided towards training with less job opportunities, if women have no option but to work part-time or in some less-attractive sectors, this may explain the salary differential but it does not justify it forever.

With equal characteristics (seniority, age, working in the same sector with the same profession and education level...), women earn on average less than men.

Company size is another characteristic to be taken into account.

The second component of the pay gap is due, on the one hand, to pure discrimination, i.e. the fact that identical characteristics are remunerated differently and generally to the detriment of women: the same level of remuneration is smaller for women, seniority is valued less... This component comprises, on the other hand, the effect on salary differentials of unobserved variables or characteristics.

Indicator 8: Indicator regarding measures promoting equal pay and combating the gender pay gap

This is a qualitative indicator that contemplates aspects such as:

- actors involved in the pay gap and the role they play;
- measures implemented by public authorities aimed at eliminating this gap;
- good practices that have been adopted.

LEGISLATIVE MEASURES

The law is not sufficient in order to overcome the gender pay gap. Government initiatives go beyond legislative instruments and comprise the creation of institutional mechanisms, adoption of action plans, development of initiatives...

The principle of equal pay for equal work or work of equal value is a principle enshrined at constitutional and legislative level. Some legislations define measures that companies have to adopt to combat the pay gap; these involve taking gender into account in salary negotiation, defining gender-neutral classification systems, transparency in salary matters.

The notion of remuneration is extensively interpreted in most Member States, since it not only affects the salary itself but also a series of supplementary advantages (gratuities, housing supplements, marriage bonuses, compensation due to dismissal, sick pay, overtime...).

MEASURES	STATES
Principle of equal pay for men and women in national legislation.	All
Principle of equal pay for men and women present in the constitution.	Cyprus, Hungary, Poland, Portugal
Specific law on equal pay for men and women.	Cyprus, Denmark, France, Luxembourg, United Kingdom
Principle of equal pay for men and women present in basic labour regulations.	Bulgaria, Czech Republic, France, Hungary, Lithuania, Portugal, Poland, Slovakia

Legislations regarding professional equality between men and women also play an important role in equal pay. Enshrined in the legislations of all Member States is the principle of equal treatment regarding access to employment and working conditions; some even contemplate specific dispositions with regard to the pay gap.

NON-LEGISLATIVE MEASURES

Non-legislative measures form part of efficient policies in favour of equal pay and comprise institutional mechanisms that promote equality and promotion organisms, action plans, awareness and information campaigns, publications...

Indicator 9: Role of collective bargaining in promoting equal pay and eliminating the pay gap between women and men

This indicator is based on measures and good practices regarding the gender pay gap that have been implemented as part of collective bargaining.

Determining salaries is often at the centre of collective bargaining processes. Reducing pay gaps cannot be effective without the involvement of social partners: unions and employers. Some authors point to three important elements (Rubery et al., 2005):

1. The existence of salary thresholds: minimum wages.

Women are more susceptible than men

a) To being concentrated in jobs with low wages and to being on the threshold of minimum wages.

b) To working in sectors and companies in which collective bargaining is weaker.

2. The level and coordination of salary systems among professions, companies and sectors.

The bargaining level influences the range occupied by equality. Centralised bargaining has traditionally tended to favour equality. Decentralising the framework of professional relations has a negative effect on bargaining and, therefore, on equality between men and women and, consequently, on equal pay.

3. The impact of regulations and function classification and evaluation systems.

Function classification and evaluation systems are a source of pay inequalities. This is particularly the case of functions, trades or activity sectors characterised by a high degree of feminisation or masculinisation. If this situation is accepted, then little progress has been made in reformulating systems from a gender perspective, even when this aspect is present in the social partners' agendas.

The diversity of systems of collective relations among the European Union's Member States is one of the elements that explains differences in pay gap terms.

From the point of view of gender pay inequality, the most important development has been the intention of social partners to favour gender equality, which was materialised in the adoption of an Action Framework in 2005. The Action Framework for men-women equality was opted by European social partners (UNICE, UEAPME, CEEP, CES), being applied to four areas: analysing male and female roles, promoting women to management posts, supporting the balance between professional and private life, combating the pay gap between men and women.

Indicator 10: Indicator regarding the effects of flexi-work on income inequalities between men and women

This indicator refers to the effects (short- and long-term) of flexi-work on the pay gap. It is mainly centred on part-time work, interrupting one's professional life and parental leaves.

The situation of women's employment is characterised by long interruptions in their career due to family reasons and by a high rate of part-time work. Family responsibilities are not always distributed fairly. Women find it more difficult to reconcile work and their private and professional lives since they are mostly the ones that look after minors and dependent family members. Furthermore, due to a lack of infrastructure for looking after minors, they are obliged to reduce their work time, opting for parental leave or leaving the job market to assume these other responsibilities. This situation has a negative effect on their professional life, promotion... and promotes the persistence of lower wages.

This disadvantageous situation will remain as long as men do not participate in the distribution of family responsibilities.



STARTING POINT

JOB MARKET IN THE EUROPEAN UNION

The prolonged economic and social crisis that is affecting, to different extents, all European Union countries raises enormous challenges in aspects related to the job market, but also to other elements regarding social integration. In this field, one of the most important structural problems consists of differences between men and women, whose negative influence on job markets and social integration processes is affecting the European Social Model itself.

a) Job market by means of Strategy 2020

The persistent differences between men and women regarding most of the job market's basic variables show that women have historically had an unfavourable participation in comparison to men. While the context of economic crisis has helped to reduce some of these differences, this reduction is basically due to the fact that its initial effects were especially hard on men's relationship with the job market. Despite this, the main differences between men and women persist and remain in basic aspects such as participation in the job market, the pay gap and risk of poverty, resulting in women having less professional opportunities, smaller salaries and greater difficulties of socio-labour integration.

Among other initiatives implemented by the EU, the Strategy for Growth in Europe called Strategy 2020 (EU2020) was set in motion with the objective of removing obstacles and tackling restrictions and advancing towards the social objectives of improved employment and prevention of poverty, an increase in Euro zone integration and greater solidarity among the different societies; its objectives include three basic priorities:

- **Smart growth:** developing an economy based on knowledge and innovation.
- **Sustainable growth:** promoting an economy that uses resources more efficiently, that is greener and more competitive.
- **Integrating growth:** promoting an economy with a high level of employment that results in economic, social and territorial cohesion.

In view of these priorities, the EU agreed to establish five main objectives whose attainment is vital in order to be successful by the year 2020. Among these objectives, we should pay special attention to three that are closely linked to the pay gap.

Objective 1.¹ *"The level of employment of the population between 20 and 64 should increase from the current 69% to at least 75% by means of, among other things, greater participation of women and older workers and greater integration of immigrants into the active population."*

Objective 2. *"An educational objective centred on results, which deals with the problem of school dropouts, reducing the rate from the current 15% to 10%, and increases the percentage of the population between 30 and 34 years old that completes higher education from 31% to at least 40% by 2020."*

Objective 3. *"The number of Europeans living below national poverty thresholds should be reduced by 25%, thereby rescuing more than 20 million people from poverty."*

The selection of these objectives is not by chance but is due to the fact that the first two (employment and training) are directly linked to salary and, therefore, to the pay gap. The third (poverty level) is an "effect" of the previous ones. None of the objectives feature a gender breakdown of the levels to be attained; neither is it included in the specific recommendations of each State².

1. The objectives are numbered for ease of reference.

2. The data corresponding to these objectives were taken from Eurostat (Key Indicators EU2020).

OBJECTIVES ACCORDING TO MEMBER STATE (EU2020)³

Objective of Member States/EU	Employment rate (%)	School dropouts (%)	Higher education (%)	Reduction of population at risk of poverty or social exclusion (number of people)
Main Objective EU	75%	<10%	40%	20,000,000
Austria	77-78%	9.5%	38%	235,000
Belgium	73.2%	9.5%	47%	380,000
Bulgaria	76%	11%	36%	260,000
Cyprus	75-77%	10%	46%	27,000
Czech Republic	75%	5.5%	32%	Keeping the number of people at risk of poverty social exclusion at 2008 level
Germany	77%	<10%	42%	320,000 (long-term unemployed)
Denmark	80%	<10%	>40%	22,000 (people living in homes with limited employment)
Estonia	76%	9.5%	40%	Reducing the rate of those at risk of poverty after social transfers to 15%, which amounts to a decrease in absolute terms of 36,248 people
Greece	70%	9.7%	32%	450,000
Spain	74%	15%	44%	1,400,000-1,500,000
Finland	78%	8%	42%	770,000 people who live at risk of poverty or social exclusion
France	75%	9.5%	50% (ages 17-33)	1,900,000
Croatia	62.9%	4%	35%	Reducing the number of people at risk of poverty or social exclusion to 1,220,000 , which amounts to a decrease of 152,000 people compared to 2011
Hungary	75%	10%	30.3%	450,000
Ireland	69-71%	8%	60%	200,000
Italy	67-69%	16%	26-27%	2,200,000
Lithuania	72.8%	<9%	48.7%	Reducing the number of persons at risk of poverty or social exclusion to 814,000
Luxembourg	73%	<10%	66%	6,000
Letonia	73%	10%	34-36%	121,000 (On the threshold of risk of poverty after social transfers and/or living in homes with limited employment)
Malta	70%	10%	33%	6,560
Netherlands	80%	<8%	>40%	100,000 (people ages 0-64 living in home without employment)
Poland	71%	4.5%	45%	1,500,000
Portugal	75%	10%	40%	200,000
Rumania	70%	11.3%	26.7%	580,000

Objective of Member States/EU	Employment rate (%)	School dropouts (%)	Higher education (%)	Reduction of population at risk of poverty or social exclusion (number of people)
Sweden	>80%	<10%	40-45%	Reducing % of men and women ages 20-64 that are not part of the workforce (except full-time students), long-term unemployed or those with long-term sick to less than 14%
Slovenia	75%	5%	40%	40,000
Slovakia	72%	6%	40%	170,000
United Kingdom	No objective	No objective	No objective	Objectives of 2010 of Childhood Poverty Act and Childhood Poverty Strategy 2011-2014

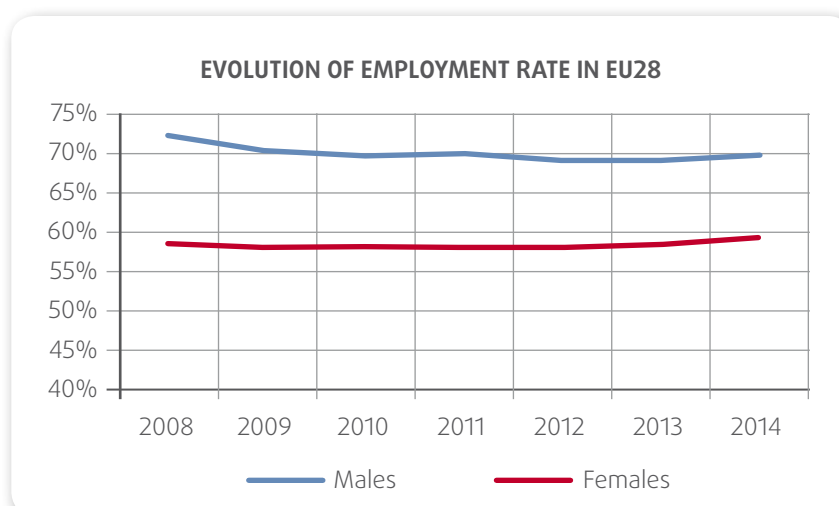
OBJECTIVE 1: EMPLOYMENT

Differences in male and female employment rates involve an imbalance in the proportion of men and women in the job market. The difference in rates has varied from 13 points in 2008 to 10 points in 2013. During this period, the male employment rate decreased by 3 points while the female employment rate remained stable.

In 2008, the employment rate in the European Union (EU28) attained its highest level on reaching 70%, thereafter gradually decreasing to 68% in 2013. This decrease makes it difficult to attain the objective of EU2020; this situation is repeated in all Member States except Germany, Luxembourg, Hungary and Malta.

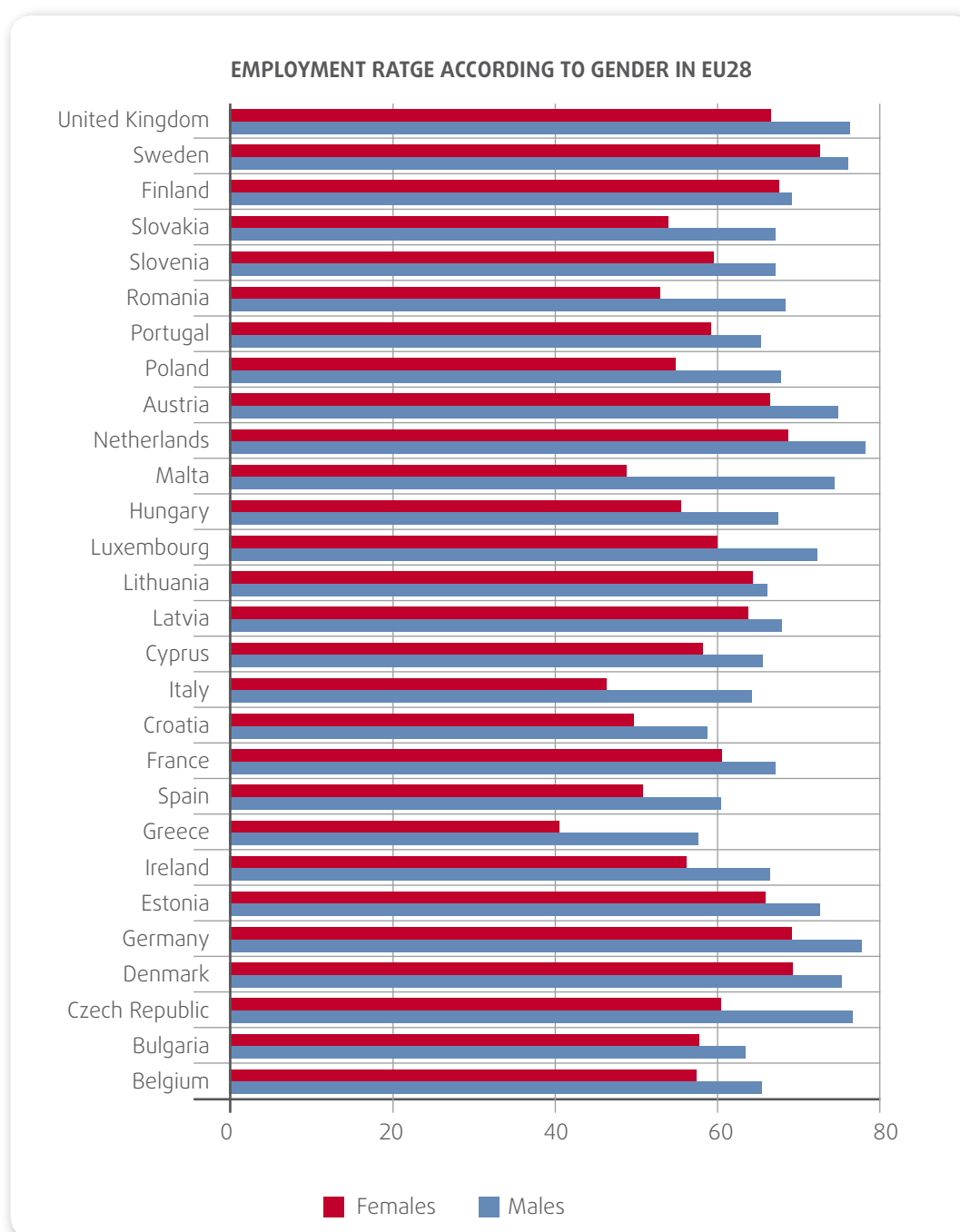
The Strategy does not establish employment objectives according to gender. Therefore, taking as a reference the objective of 75% employment and the employment rates in the EU, it is evident that a labour gap still exists between men and women.

25



Source: Eurostat. Key Indicators EU2020

3. Table taken from the European Commission.



Source: Eurostat. Key Indicators EU2020

Sweden is the European Union country with the highest female employment rate (77%), compared to 82% for men. At the opposite end, Greece has a female employment rate (43%) that is 20% lower than the male one (63%). A singular case is Malta, where the male employment rate (80%) surpasses the national objective proposed by the European Commission (70%), while the female employment rate is 50%, i.e. 30 percentage points less than the male one. Lithuania and Finland are the ones with the greatest harmony between male and female employment rates, with differences ranging from 2 to 3 percentage points.

Despite this general decrease in differences between men and women, the result is that average male and female employment rates remain the same. This means that the imbalance in the proportion of men and women and their incorporation and maintenance in the job market remains the same, as well as an unquestionable disadvantage for women in obtaining economic independence, considering that employment is the main source of obtaining spending power. The difference in employment rates shows that economic independence is not the same between men and women among the Member States, highlighting the need for implementing policies and actions favouring a reduction in the differences between these rates.

OBJECTIVE 2: TRAINING LEVEL

In relation to training, the European Strategy sets a double objective: on the one hand, aiming to reduce the rate of school dropouts, establishing a maximum of 10% for secondary education, and on the other hand, increasing higher education in the 30-34 age group.

With regard to the opinion of the European Trade Union Confederation (ETUC), it highlights the fact that although the EU has implemented numerous instruments aimed at improving education and training at all levels, the economic and social context in which these instruments were conceived has been underestimated; the policies are therefore at risk of not being able to fulfil the ambitious objectives that have been identified, due to an insufficient analysis of the context and, above all, a lack of suitable resources⁴.

→ Young people that have dropped out of education and training

EU2020 sets a 10% reduction in the education dropout rate. During the period 2008-2013, there was a progressive decrease in the percentage of people ages 18 to 24 that dropped out of training, reaching 12% for the EU as a whole. Specifically, 9 Member States already have a lower education dropout rate than the one indicated for them by the Council, namely Germany, Denmark, Czech Republic, Cyprus, Lithuania, Latvia, Luxembourg, Austria, Slovenia and Sweden. The following stand out as countries that are still "far" from the established percentage: Spain, Malta, Portugal and Rumania.

For most experts, this decrease in the education dropout rate is directly related to the crisis situation affecting the EU as a whole, since the lack of employment has a direct effect on the need for training in order to enter the job market with better working and salary conditions. However, there is still a lack of flexible itineraries between vocational training and training schools and on-going higher education establishments⁵.

→ Higher education level according to gender

Europe's growth potential is threatened by structural deficiencies in its foundation of professional qualifications⁶. Recent Eurostat data shows a profound polarity: while around 20% of the working age population has few or very few qualifications (and in some countries, such as Spain and Italy, this proportion is even higher), only some countries, such as Estonia, Finland, the Netherlands and Sweden, have a high percentage of people with top-level professional qualifications.

The percentage of people ages 30-34 studying higher education in the EU as a whole in 2013 was 37%, which is slightly lower than the EU2020 objective of 40%. In the period 2008-2013, the level of higher education increased by 5 points. In this case, only Belgium and Finland have exceeded their national objectives.

Analysing the figures according to gender, women are the ones that increased their presence in higher education (7%) during the period from 2008 to 2013, mainly in Estonia and Latvia.

In this objective, EU2020 does not establish any gender differentiation; applying the objective assigned to each State in relation to gender, we observe that women have exceeded a 40% presence in training, while men need to increase their presence in higher education by 7%. Only in Sweden is men's presence in higher education higher than the Council's recommendation.

In conclusion, there should exist a balance between education and training, as well as between education and work. We should therefore invest more in improving the permeability between compulsory and professional education and training towards higher education, and between education and the job market in order to attain a smooth transition from education to work and vice versa. Considering the challenges raised by the economic situation, greater effort is needed to tackle unemployment and the school dropout ratio, in order to correct the imbalance in qualifications and guarantee that European labour makes the most of the EU's instruments, in order to become more highly qualified and better trained.

4. ETUC Action Programme (2012) "Towards more education and training for the Social Europe: ETUC Action Programme on lifelong training and VET."

5. ETUC Action Programme, op.cit.

6. Joint draft report on employment by the Commission and the Council accompanying the Commission's Report regarding the Annual Prospective Study on Growth for 2015..

OBJECTIVE 3: REDUCING THE LEVEL OF POVERTY

In the EU there are 122 million people at risk of poverty, including 20 million children and 8% of the active population. For the year 2020, the EU has set the objective of reducing the number of people at risk of poverty by at least 20 million, and the European Platform against Poverty and Social Exclusion is taking measures to reach it.

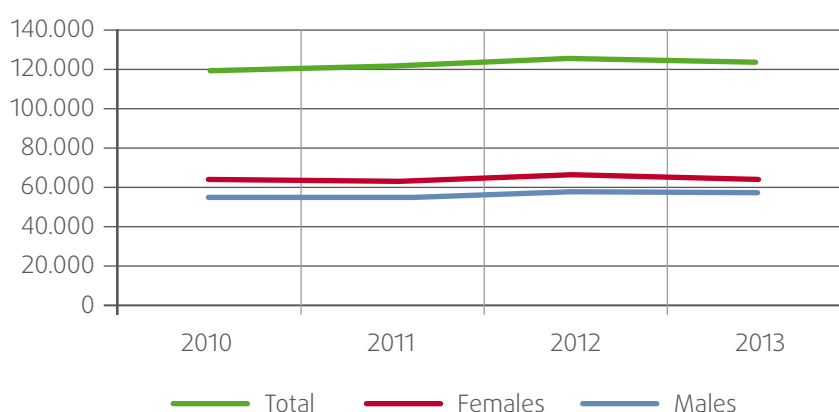
Those who are threatened by poverty are people whose available income amounts to 60% of the monthly income of the population as a whole.

In the period 2010-2013, the number of people at risk of poverty and exclusion increased by 4 million in the EU as a whole; i.e. 24% of the EU's population as a whole is in this situation. The Member States with the greatest percentage of population at risk of poverty or social exclusion are Bulgaria (48%), Rumania (40.4%), Greece (35.7%), Latvia (35.1%) and Hungary (33.5%). The ones with the lowest percentage are Czech Republic (where only 14.6% of the population is at risk of poverty), Holland (15.9%), Finland (16%) and Sweden (16.4%).

Another indicator used to analyse income inequality is the proportion of income declared by the population group with the least income compared to that declared by the population group with the most income, known as 80/20, which classifies the population in descending order of income and divides it into five equal groups. In this way, the lowest group is made up of the 20% of the population with the least income, while the highest group is made up of the 20% of the population with the most income.

Taking as a reference this indicator (80/20), we can see that Spain is the European Union country with the greatest income inequality between the population with the most and least income. In 2012, in Spain the income of the population group with the most income was 7.2 times the income of the population with least income, far from the average of the Union as a whole (5.1) and followed at a certain distance by Greece (6.6), Latvia (6.5), Rumania (6.3) or Bulgaria (6.1), among others. At the opposite end, Slovenia (3.4), Czech Republic (3.5), the Netherlands (3.6) or Sweden (3.7) stand out.

EVOLUTION OF POPULATION AT RISK OF POVERTY IN THE EU



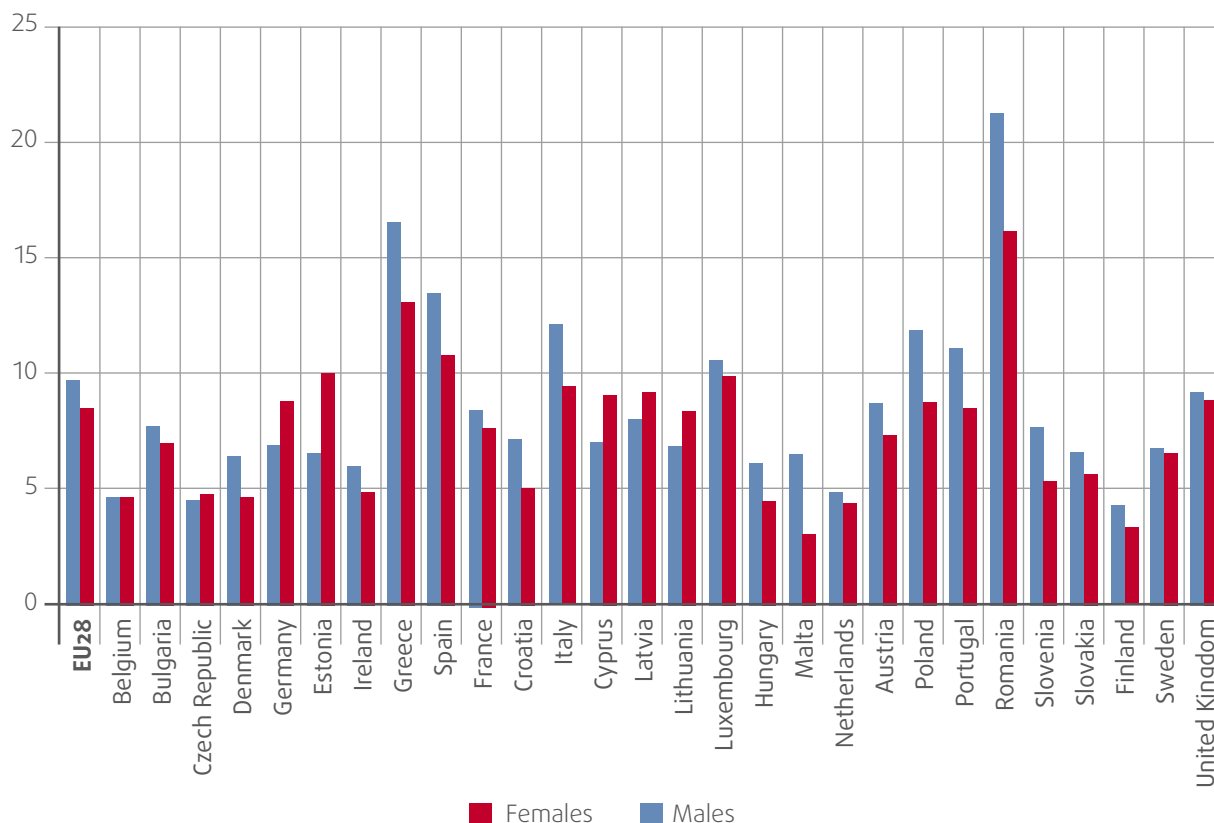
Source: Eurostat. Key indicators EU2020. Data expressed in 1000 people.

In 2013, the AROPE index for Spain attained 27.3% of the total population, which amounts to a total of 12,866,431 people at risk of poverty and/or exclusion. The objective set by EU2020 for Spain was decreasing the population at risk of poverty and/or exclusion by one million four hundred thousand people; a reduction of more than 2.7 million people will now be required in the next six years.

The Gini coefficient in 2012 for Spain was 35 points, being the second country in the European Union with the greatest income inequality, just behind Latvia (35.7 points); this value is far behind countries such as Slovenia (23.7), Sweden (24.8) or Czech Republic (24.9), while the European average was 30.6 (EU-28).

Finally, another indicator of poverty is the increase in poor workers, which refers to working persons that, despite their labour income, live in homes whose income does not exceed the poverty threshold. In 2012, labour poverty increased by 12.3%, maintaining a differential of more than three points with the EU as a whole and Spain remaining as the third country with the highest poverty among workers, only behind Rumania (19.1%) and Greece (15.1%). At the opposite end are countries such as Finland, Czech Republic, the Netherlands and Belgium, all of which have less than 5% of their working population below the poverty threshold..

POVERTY RISK INDEX OF WORKING POPULATION ACCORDING TO GENDER IN EUROPE 2012



Source: Eurostat, 2014

Among labour factors, self-employed work seems to be directly related to poverty. According to Eurostat data, poverty is higher among freelance workers compared to employed workers. While in 2012 the poverty rate among working people was 12.3% in Spain (and 9.1% in the EU-28), the poverty rate among self-employed people was 35.5%, which is higher than the poverty rate for self-employed people in the EU as a whole (23%). On the other hand, in relation to the European poverty ranking among employed people, Spain is in fourth place behind Luxembourg (9.7%), Italy (9.3%) and Greece (8.7%).

Poverty does not only depend on lack of income but is also related to ease or difficulty of accessing certain resources. While at the beginning of the crisis households reduced their consumption to deal with its economic consequences, as the crisis continues they are exhausting their reserve funds. At this stage, it should be pointed out that this inability on the part of households to deal with the situation requires strengthening public social protection networks in order to provide solutions.

Nevertheless, policies of cutting back on public expenditure, e.g. in the healthcare, dependency, education fields, are worsening the fragile situation in households. Claiming that poverty will be reduced once the economic situation improves and net employment is created is not sufficient, since much of the

employment that has been created in recent years is temporary and precarious; but, above all, because in an increasing number of cases, this type of employment does not enable working people to surpass the poverty threshold.

b) Other job market indicators

● ACTIVITY RATE

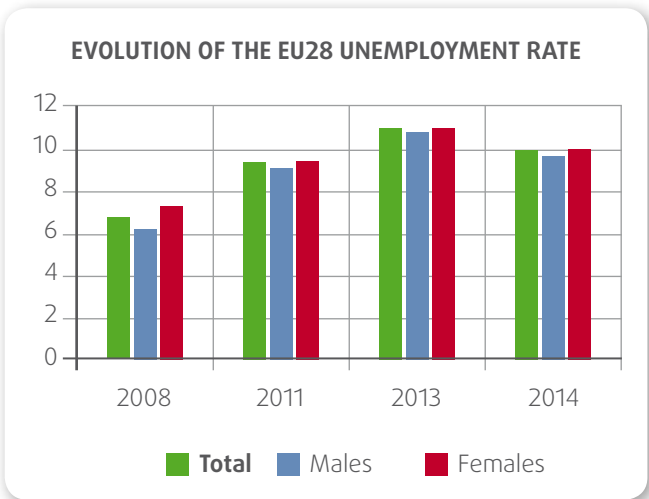
Although the female activity rate is still lower than the male one, female activity has increased slightly in overall terms since the crisis began: while the male activity rate in the European Union as a whole was not significantly smaller in 2014 compared to 2002 (specifically, 0.7 less), for its part, the female activity rate displayed a clear upward trend, with a 3.2-point increase in 2014 compared to 2002 and, paradoxically, it has not stopped growing during the crisis.

● UNEMPLOYMENT RATE

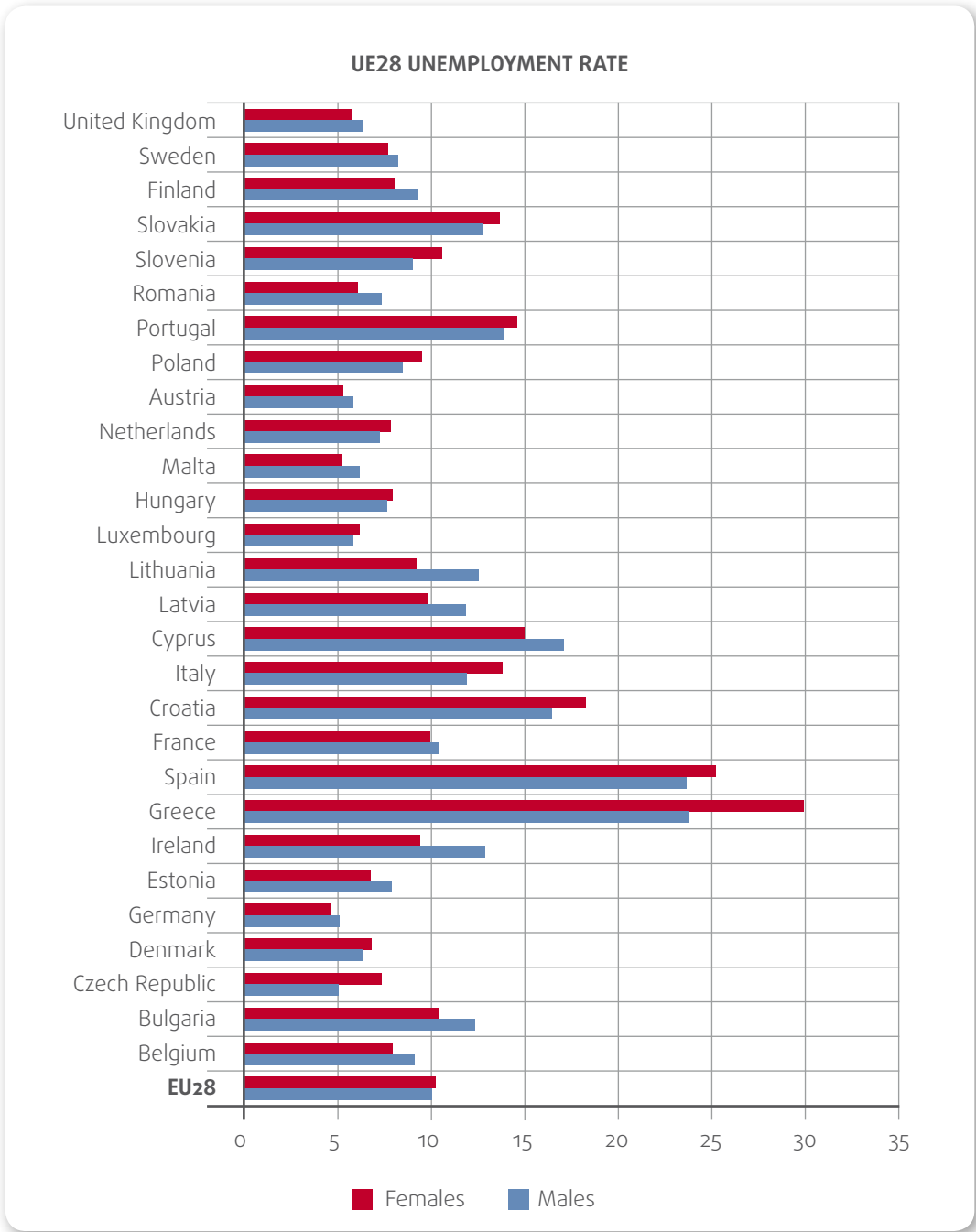
Unemployment levels and rates evolved in a cyclical way, following the general cycle. However, factors such as job market policies and demographic changes can influence the evolution of short- and long-term unemployment. As a result of the economic and financial crisis, unemployment increased rapidly in

the EU28 from 7% in 2008 to 11% in 2013. Female and male unemployment rates in Europe as a whole have gradually balanced out, being equal in 2014.

Despite this piece of data, there is significant dispersion among unemployment ratios, among which Greece stands out with a rate of 27%, followed by Spain (25%).



Source: Eurostat, 2015



Source: Eurostat, 2015

There is a gender imbalance in the unemployment rate according to country. The State with the biggest difference is Greece, where women's unemployment rate is almost 7% higher than men's. Ireland also has a marked imbalance in the rate, although in this case it is the male rate (13%) that is higher than the female one (9%).

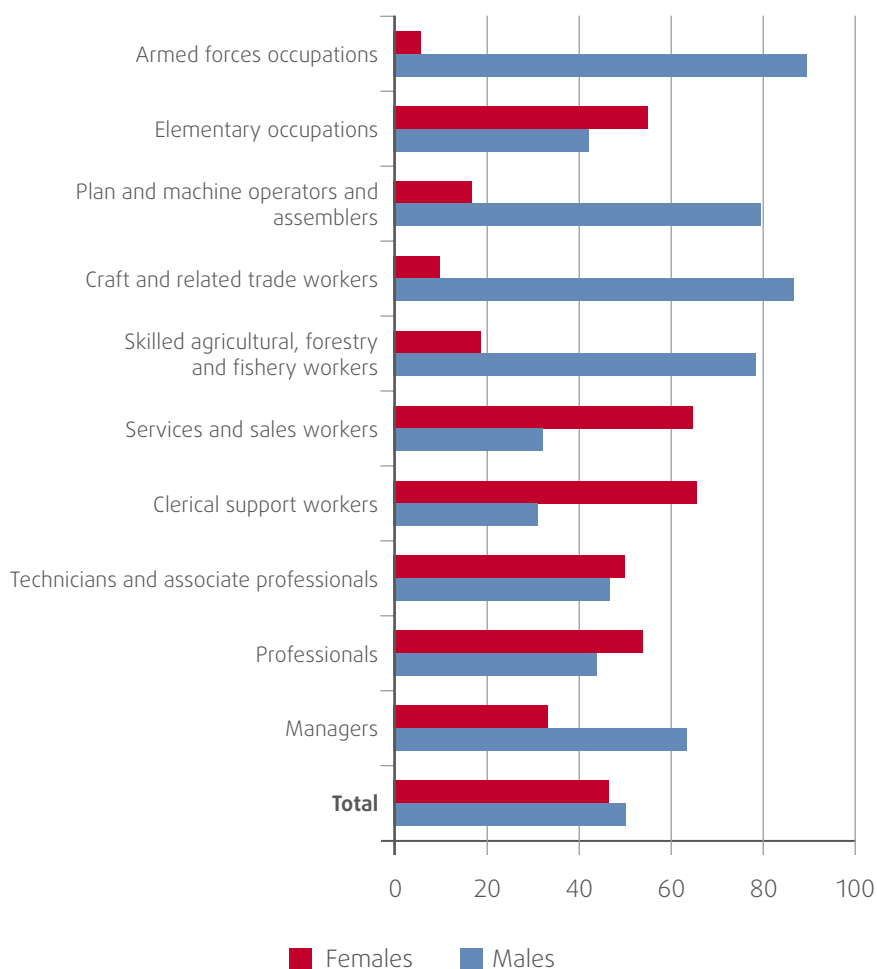
Austria is the only State with an equal unemployment rate for women and men (5.9%). The case of Spain is particularly important and significant, since its unemployment rates, both male and female, duplicate the average rates of the EU28.

● CHARACTERISATION OF ECONOMIC ACTIVITY ACCORDING TO GENDER

Women account for 48% of the EU's employed population, which shows a balanced situation between men and women in the job market. Nonetheless, an analysis of occupations stands out due to its degree of feminisation in 2013; firstly, those of administrative support personnel, where 67% of employees are women, followed by service workers, shop and market salespeople (66%), elemental professions (56%) and scientific and intellectual professionals (54%).

On the contrary, highly masculinised occupations are military professions (92%), qualified trades in industry and crafts (89%), farmers and qualified agricultural workers (80%), directors and managers (65%). In all these occupations, women's presence is less than 35%.

DISTRIBUTION OF MEN AND WOMEN ACCORDING TO ECONOMIC ACTIVITY



Source: Eurostat, 2015

Self-employment makes up 14% of total employment. In the case of men, it accounts for 14%, compared to 10% for women.

During the period 2008-2014, self-employment was also affected by the crisis situation; in this period, the number of self-employed workers decreased by 717,000 people, which was partially offset by the increase in self-employed women (219,000).



Source: Eurostat, 2015

● PAY GAP

Different studies have tried to explain the pay gap between men and women. The factors set forth by researchers include the following:⁷ 1) undervaluation of women's work; 2) job characteristics (e.g. the possibilities of substitution among workers; the value of onsite time, etc.); 3) gender-based segregation, which channels women towards posts with little added value; 4) general salary structure in a country (whose characteristics may depend on the mechanisms used to establish salaries), which may have been designed with masculinised sectors in mind; 5) perception of women as economically dependent; and 6) probability of women being in unorganised sectors or sectors that lack union representation.

We should start from the fact that the pay gap's existence is contrary to European Union principles.

Within the EU28, women earn 17% less per hour than men. In the period 2008-2012, the pay/hour gap continued to increase in half of the EU countries, with a particularly notable increase in Portugal (6 points).

There are different effects that contribute to these gender pay gaps, such as: differences in active population indexes, differences in professions and activities that tend to be dominated by the presence of men and women, differences in male and female part-time indexes, as well as the relationship between career development and care-giving leaves (maternity, parental care, leaves of absence...).

The underlying factors that explain, at least in part, the gender pay gap include sectorial and professional segregation, education and training, awareness and transparency, as well as direct discrimination. The pay gap also reflects other inequalities, especially the part –frequently disproportionate– of family responsibilities that fall to women and their difficulties when it comes to reconciling work and private life. Many women work part-time or with atypical contracts: although this enables them to continue in the job market while taking care of their family responsibilities, it can also have a negative impact on their salary level, career development, promotion prospects and pensions.

7. ILO report (2015) "World report on salaries 2014-2015..

The latest European salary structure survey was carried out in 2010. Although this data is not the most recent, it highlights the depth of the pay gap. According to this survey's data, women's monthly salary would have to increase by 26% to be the same as men's. If we calculate the annual gap, women's salary would have to increase by 30% to be the same as men's.

The report presented by the European Commission in December 2013⁸ highlighted a series of factors that hinder equal pay, such as the lack of transparency in remuneration systems, the lack of legal clarity regarding what is meant by work of equal value and practical obstacles. As an example of these last factors, it is worth citing the difficulty in obtaining information required by workers in order to successfully file an equal pay lawsuit or the non-publication of information regarding the salary levels of different employee categories.

Despite all the actions and measures that have been implemented in Europe, eliminating the gender pay gap is still a challenge to be met by most countries, since the causes behind the existence and persistence of the gender pay gap are numerous, complex and interrelated. Current initiatives and measures are still insufficient, as shown by the persistence of gender pay gaps in most European countries and their resistance to disappearing.

In fact, eliminating pay inequalities requires the adoption of a series of new measures, measures to reinforce the procedures and programmes that already exist, and a greater and more committed mobilisation of different actors, since accelerating progress in this field requires a strong, explicit commitment on the part of all interested parties.

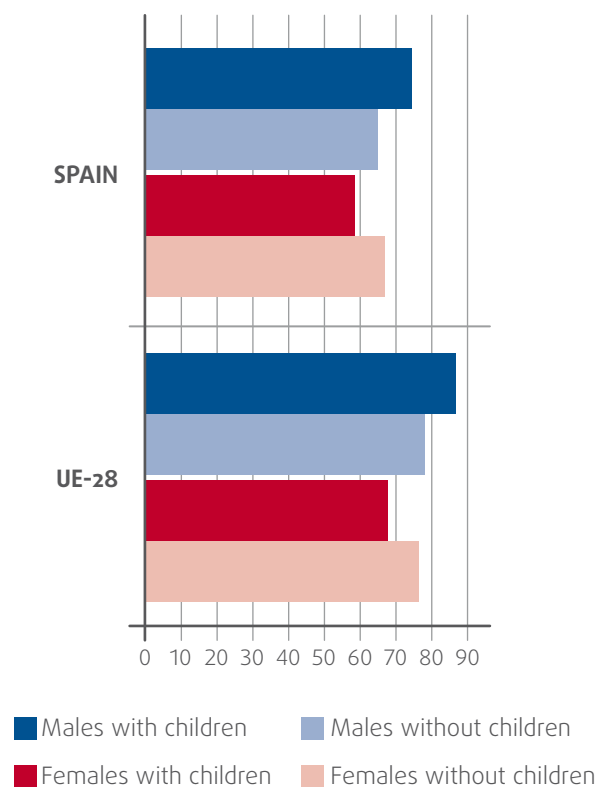
As part of the application of the Europe 2020 Strategy, the role of Member States and social partners is particularly necessary, with the objective of coordinating their activities with an approach that simultaneously combines legislative and non-legislative measures to deal with the numerous causes of inequality, at both the national and European level.

8. Report "On the application of EU regulations regarding equal employment treatment of women and men." European Commission, 2013.

● PAY GAP RELATED TO MATERNITY

The fact of having children or not also influences presence in the workplace, which differs in the case of men and women. While the employment rate of men with children is higher than those without children, the opposite is true in the case of women: women's employment rate decreases when they have children.

EMPLOYMENT OF PEOPLE WITH/WITHOUT CHILDREN



Source: INE, 2014

Beblo and Wolf (2000) and Datta Gupta et al. (2002) have shown that interrupting one's professional career due to maternity or paternal leaves has a negative effect on female salaries in the short- and mid-term. Interrupting one's professional career for 1 year at the age of 30 results in a salary decrease of 0.10 €/hour. The salary profile of women that take one or two years of parental leave or maternity leave reveals a considerable salary loss: A one-year leave per child amounts to a salary loss of close to 7% by the age of 40 (Datta Gupta et al. 2002). Datta Gupta et al. demonstrated in 2006 that, in countries in which the systems of career interruption, maternity leaves and parental leaves are more generous (Nordic countries), there is a boomerang effect on women's position in the job market in the case of women with the highest training levels..

To a certain extent, the Nordic system may have created a type of impediment, not within companies but at the sector level: the public sector offers more possibilities in terms of parental leaves but with lower salary levels.

The report Social partners and gender equality in Europe highlights that women's maternity penalty attains a difference of 40 percentage points in Hungary, Slovakia and Czech Republic, while in Denmark, Sweden, Portugal and Slovenia the gap is inverted and employment rates are highest among mothers with young children, indicating that in these countries new mothers' employment patterns are more similar than in other countries. This may be due to the generous family policy in Nordic countries, to social norms or to the economic need for keeping two wages in the household; in Portugal, the maternity penalty was reverted after 2012, in this case due to the enormous decrease in employment rates among childless women during the crisis.

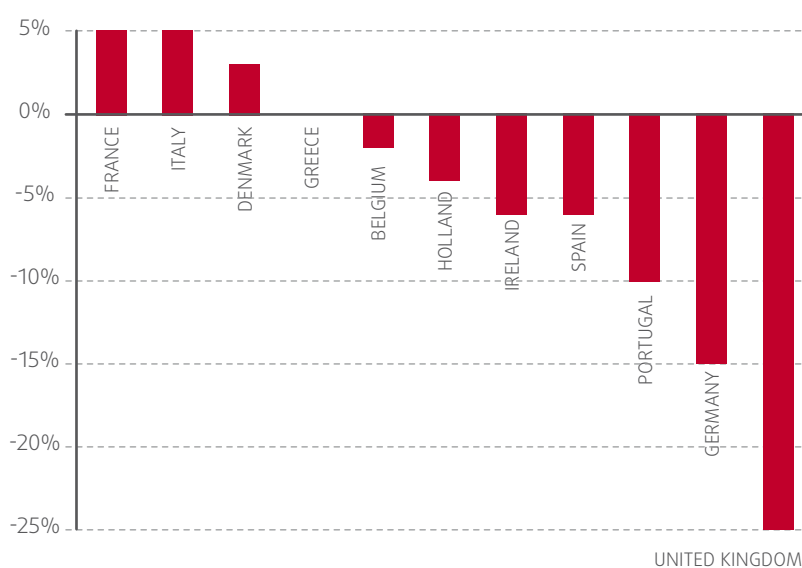
The ILO's report The pay gap related to maternity. An analysis of the problems, theories and international data features information on the pay gap between women with family responsibilities (children) and those without. It shows that there is a maternity penalty that increases with the number of children. A mother with two children experiences a greater wage penalty than a mother with only one child. There are very different realities throughout the European Union, ranging from a 25% wage penalty in the United Kingdom in the case of mothers compared

to childless women to a salary bonus in France, Italy or Denmark for women with children. In the case of Spain, the salary gap between women with and without children is estimated to be 5%. These differences among countries are explained by different public support policies and by a different job market structure and organisation. .

It is likewise observed that the salary gap related to maternity is also conditioned by the following aspects:

- Number of children: the gap widens with the number of children
- If the children are girls: they have to look after their brothers
- If the spouse is present and works
- How long the woman takes in returning to the job market after maternity
- The country's public policies in support of maternity and paternity.

% WAGE PENALTY OF MOTHERS RELATIVE TO NON-MOTHERS



Source: ILO, 2015

● DIFFERENCES BETWEEN MEN AND WOMEN RELATIVE TO NUMBER OF HOURS WORKED

An important matter is the number of hours worked and the differences between men and women: these differences in hours worked have not only remained with the passing of time but have increased, and they have done so in two ways: the volume of hours worked by men working full-time has increased, but so has the volume of hours worked by women working part-time, so that men work more hours full-time and women work more hours part-time.

This fact does not coincide with the traditional explanation that women “choose” to work part-time with the objective of reconciling their job and family obligations, and could be explained as a way of compensating for the decrease in men’s employment rate. On the other hand, we do not have enough information to infer that the increase in hours worked among female part-timers results in a reduction in the differences with male employment rates or puts them on a par with women working full-time.

In relation to the number of hours worked, some countries, generally Nordic ones, have better results, at least in comparison with the rest of the EU in this regard, and also in the existence of suitable care-giving services for dependents, which is beneficial for the quality of female employment. It is in these countries where the relationship between part-time work and poverty is less, being smaller than the EU average.

A final comment in relation to the number of hours worked in part-time employment: in households where the number of hours worked is low, and there are also dependents, the risk of poverty increases, since the lower the intensity of employment, the lower the household income.

● PART-TIME WORK

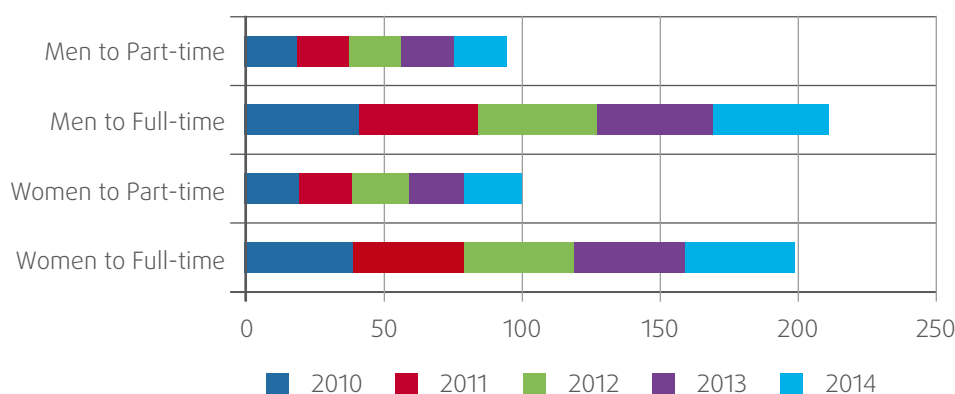
Part-time work is considered one of the main causes behind the difference in male and female employment rates. Its important increase is a common feature for both men and women in EU countries as a whole. In this regard, it should be highlighted that, since women’s employment rates are lower than men’s, and women work less hours on average, their employment rates are even lower if we calculate their full-time equivalences. At the same time, the index between part-time employment and population increased in the case of both men and women (18.7% in the case of men and 7.5% in the case of women between 2006 and 2012).

In general, with fairly important growth in part-time work in recent years, it cannot be solely attributed to a possible change of employment status from full-time to part-time, an argument that has been widely used as a strategy to maintain employment in many companies during the crisis situation.

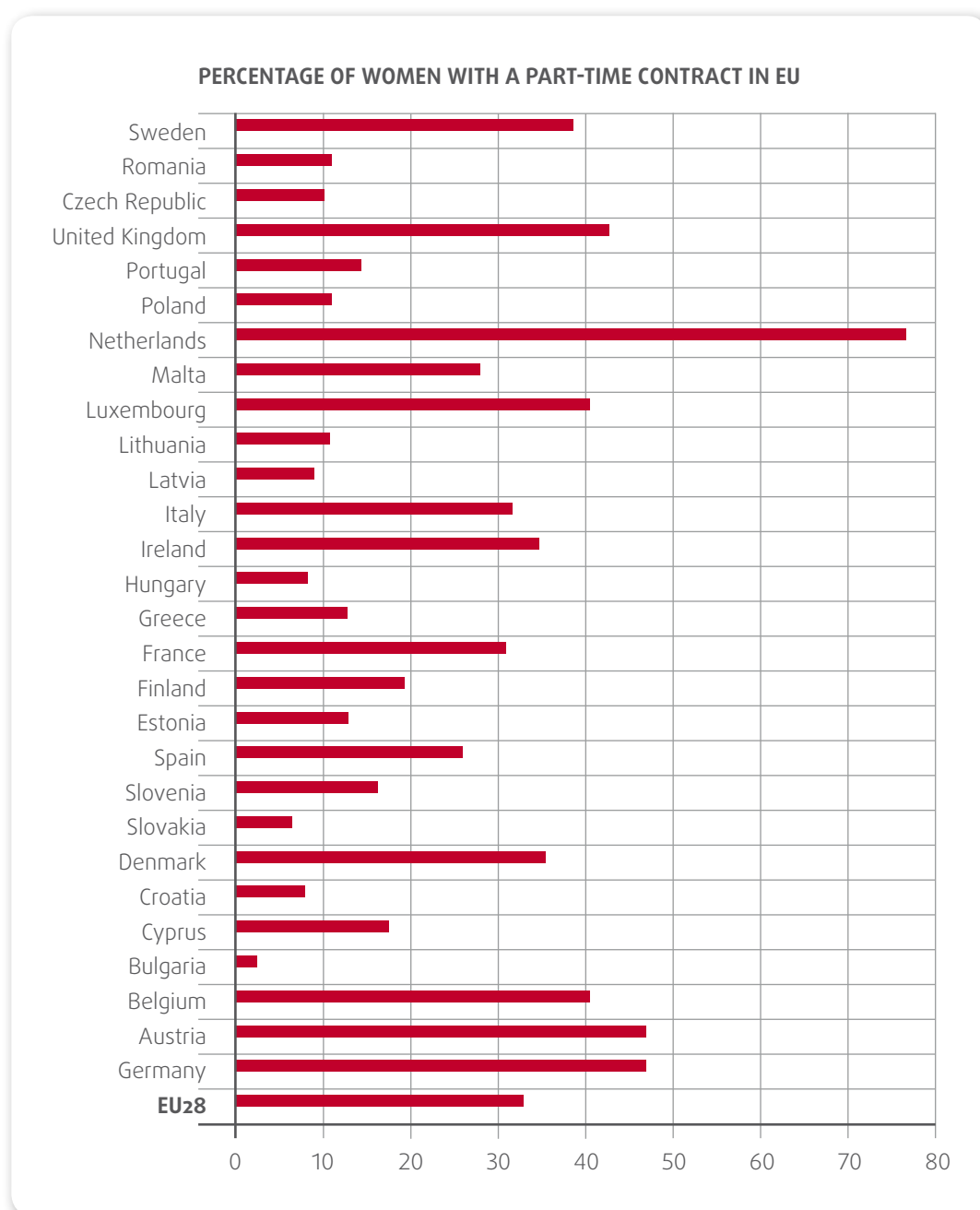
The growth in part-time work is a common phenomenon in the European Union as a whole, as is the fact that it mainly involves women. Apart from this fact, there are important differences among the different Member States: there is a first group of countries made up of Scandinavian countries along with Germany, the Netherlands, Austria and United Kingdom, which are characterised by both high female employment rates and high part-time employment rates.

For their part, most Central and Eastern European countries have lower female employment rates as well as lower part-time employment rates. We can therefore say that the magnitude of the phenomenon involves enormous differences between countries and that we cannot point to a general tendency, apart from the evident growth of part-time work.

AVERAGE WEEKLY HOURS ACCORDING TO GENDER AND WORDAY



Source: Eurostat, 2015



Source: Eurostat, 2015

The main reasons why women work part-time in the European Union, according to the latest data provided by the Workforce Survey,⁹ are to look after minors, the elderly and dependents in their family circle, as well as other family responsibilities. This seems to confirm that women's relationship with the job market and their majority presence in part-time employment, is conditioned by their socially and culturally predetermined role as carers.

Part-time employment is also related to activity sector, in the sense that the economic sectors with a notable female presence (above average) are, at the same time, the sectors with the largest percentage of part-time work, i.e. the more feminised a sector

or activity branch is, the more widespread part-time work is.

However, part-time work has several negative consequences, such as the evident fact that working fewer hours means less total income, with this reality being applicable to workers in all European countries. Another consequence is less National Insurance protection in the case of unemployment or retirement, due to lower contributions. Furthermore, as the European Working Conditions Survey shows, part-time workers as a whole receive less ongoing training in their workplace; this distances women, who have a high presence in part-time work, from training itineraries.

It also seems to have been demonstrated that part-time employment increases the probability of mismatches in people's qualifications and decreases their probabilities of professional promotion, raising

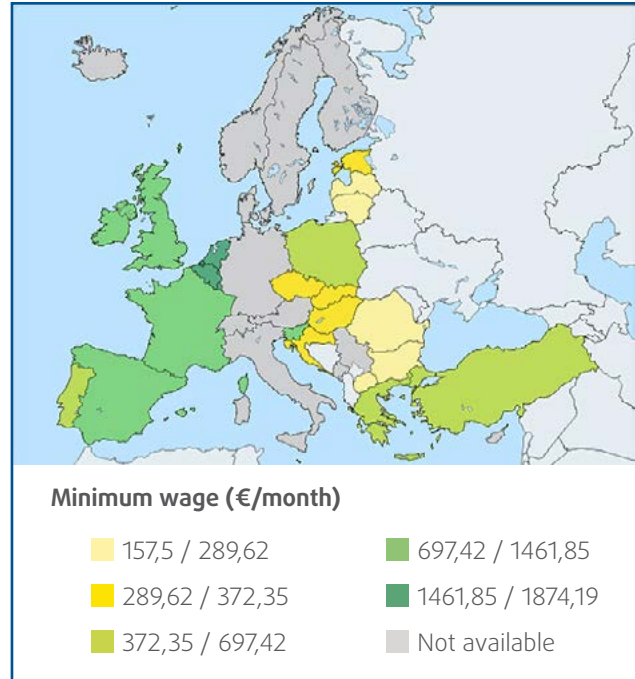
9. Eurostat, 2014

economic and social costs due to the underuse of human capital, which not only affects workers but also the entire economy.

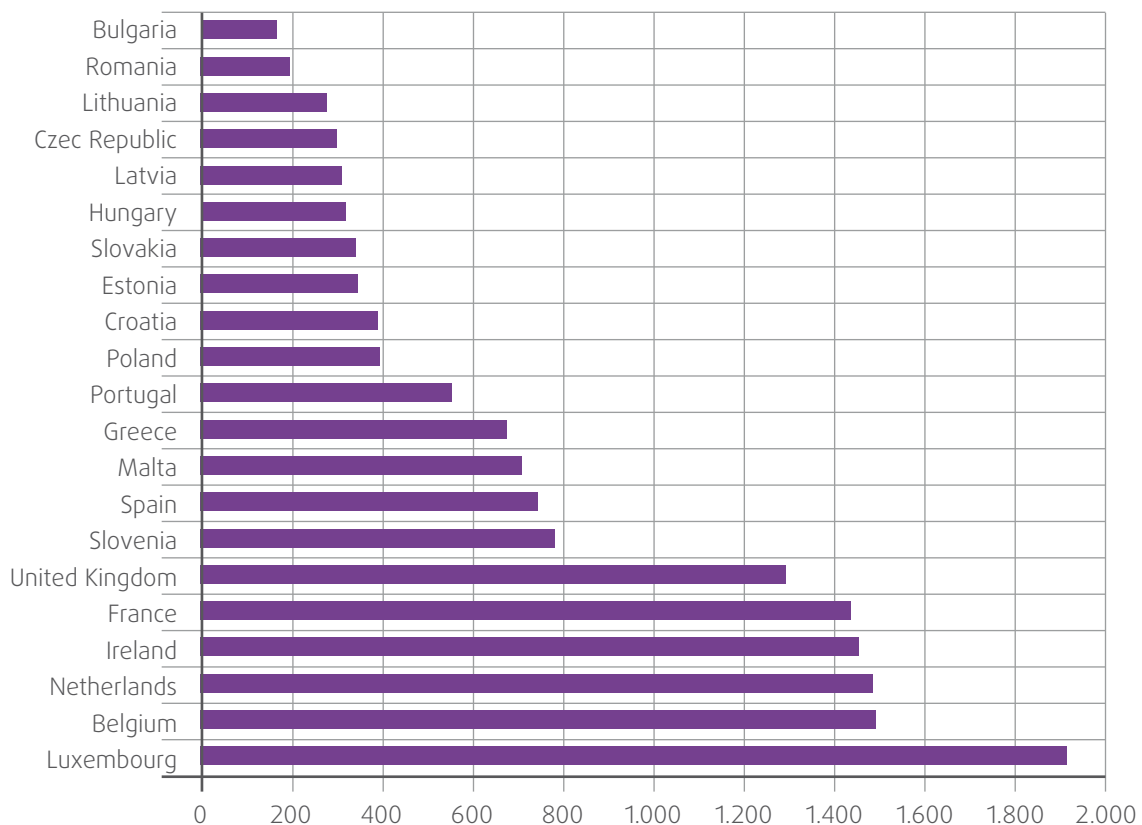
The double burden of paid and unpaid work within the family, combined with a possible lack of support services to look after the household's dependents, is one of the main obstacles for women's full participation in the job market and a reason for the persistence of the gender pay gap. The fact that women are almost exclusively the ones that make use of measures aimed at reconciling work and family life, such as parental leaves and flexi-work, turn these into real traps in the sense of hindering them from progressing in their careers and affecting their remuneration.

● MINIMUM WAGES

At present, twenty-one Member States of the European Union¹⁰ (except Denmark, Italy, Cyprus, Austria, Finland and Sweden) have national legislation that establishes a minimum wage in the framework of a law or national inter-sectorial agreement.



MINIMUM MONTHLY WAGE EU28



Source: Eurostat, 2014

10. In Germany, it came into force in January 2015. Minimum wage of 1,473 €/month. It is not included since the available statistics are for 2014..

In 2014, legal minimum wages ranged from €174 in Bulgaria to €1,921 in Luxembourg. The twenty-one Member States can be divided into three groups according to the level of their minimum wage at January 1, 2014.

The first group includes the eleven countries with the lowest minimum wages, ranging from €100 to €400 monthly: Rumania, Bulgaria, Latvia, Lithuania, Czech Republic, Estonia, Slovakia, Hungary, Croatia and Poland.

The second group is made up of five Member States (Portugal, Greece, Malta, Spain and Slovenia) with an intermediate level of minimum wages, ranging from just over €500 to €1,000 monthly.

The third group consists of six Member States (United Kingdom, France, Ireland, the Netherlands, Belgium and Luxembourg) with minimum wages above €1,200 monthly.

In recent years, the highest minimum wage level in relation to average gross monthly income was recorded in Slovenia (51.4%), Greece (50%) and Turkey (50%). At the end of the classification, Czech Republic, Estonia, Rumania and Spain had a minimum wage level that was less than 35% of the average gross monthly income.

In relation to the minimum wage's effect on female employment, it is impossible to analyse this relationship due to the inexistence of statistics in this regard.

NORWAY'S SOCIO-LABOUR SITUATION FROM A FEMALE PERSPECTIVE

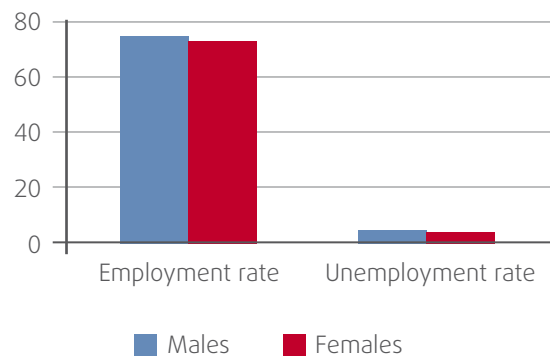
Norway is a country that has been committed for decades to gender equality as a matter of State, in which there is a strong consensus among the different political forces, social partners and population in general.

In Norway, equality policies began a century ago with women obtaining the right to vote in 1913, the introduction of economic and legal rights for spouses in 1927, or the ratification in 1959 of the International Labour Organization's Agreement 100 on equal pay between men and women.

An increasing number of women are employed

Being employed and having one's own source of income have been important matters in the fight for women's rights. It seems that Norway has made great progress in this area. While 44% of women worked in 1972, the figure progressively increased to 73% in 2014, to within two points of the male employment rate.

EMPLOYMENT AND UNEMPLOYMENT RATE IN NORWAY



Source: Eurostat, 2015

Despite the levels of female employment in all age groups, most of the balance between genders is due to the entry of women into the job market, especially between 1980 and 1990. Women with children under 3 years of age now work more often than before. The one-year parental leave, ten-week paternal quota, affordable, universal, quality nursery services, extra-curricular activities and rational working hours speak of a society that has enabled men and women to reconcile profession and family.

Starting in the seventies, Norway has progressively made institutional changes that have enabled it to advance towards a society in harmony with the new times. These changes have had an important impact not only on women but also on men. Measures such as the father's quota, which involves several weeks reserved for the father to look after his new-born baby, have generated new male identities for men more involved in family care and housework, who have decided to reduce their working hours. The participation of fathers in their children's care has been an important political objective in Norway.

...but women work less than men

A total of 4 out of every 10 women have part-time employment contracts, while only 1 out of every 10 men are in the same situation. Therefore, despite a substantial increase in the level of female employment and the fact that it is approaching the level of male employment, women still work less hours than men. In 2007, women worked an average of 30.1 hours per week while men worked 36.0, which means that men worked 6 hours more than women. Between 2007 and 2014, the difference between hours worked by men and by women has gradually reduced. Women worked, on average, one hour more in 2014 than in 2007, while there was no variation in the case of men.

Taking into account the type of workday, in the last 10 years the proportion of women working full-time has increased; currently, 61% of women have this type of workday.

According to Kitterød, Rønsen and Seierstad, some of the key factors that influence women's decision to work part-time or full-time are: their training level, the labour sector and the post they occupy. In relation to training, women that have a high educational level have less traditional family values and are more interested in their career and working full-time. The second factor, related to the labour sector, indicates that the rate of part-time work is fairly widespread in the services sector, especially in the field of healthcare and social work. Likewise, full-time work is more widespread among professional women and those occupying positions of power.

Despite women's level of employment, there are still considerable differences with regard to different sectors. Sixty-one per cent of Norwegian women work in the healthcare, commerce and teaching sectors.

In relation to women's occupations, it is noteworthy that 63% of women are concentrated in two: 33% carry out intellectual and scientific professions and 30% work in providing direct services to individuals, shop owners and salespeople.

It is worth mentioning that Norway was the first country in the world to introduce by law a gender quota in organisations' board of directors, establishing that at least 40% of each gender be present therein. The promoter of the initiative, ex-conservative minister Ansgar Gabrielsen, received a certain amount of opposition from his own party. However, in parliament the law was voted in with the approval of both progressives and conservatives. In the fo-

llowing ten years, the minimum level of 40% female participation was surpassed (European Commission, 2012). The appearance of this law and the mere fact of speaking publicly about it has changed people's perception regarding labour practices.

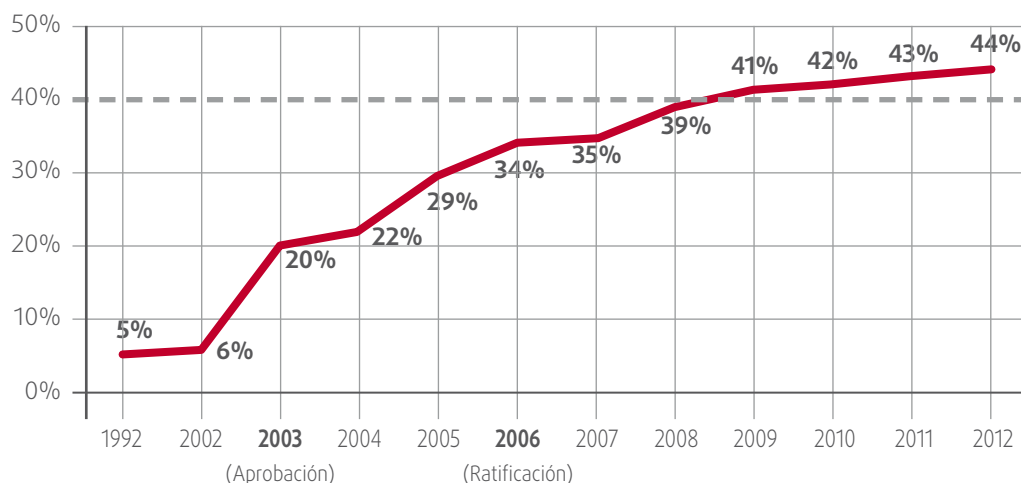
Limited corporations, cooperatives and state-owned or municipal companies must have parity representation between men and women in their administrative boards. After a transitional period to adapt to the regulation, starting in January 2006, this requirement was applied to new companies, which could not be incorporated otherwise. Starting in 2008, companies subject to this regulation that failed to comply with this requirement of having at least 40% male and female directors would be dissolved. The regulation affected a total of 500 large companies.

According to Storvik and Teigen (2010), this experience's success was mainly due to the generation of political consensus, social dialogue, the involvement of companies and social partners, but also in the stipulated sanctions.

Its social acceptance has become generalised and it has moved other companies, which are not affected by the law's requirements, to voluntarily adopt the policy of quotas, after having seen its benefit for boards of directors.

This has managed to break the myth of the inexistence of sufficient highly qualified women to occupy this type of posts. Furthermore, according to Huse (2009), a high participation of women in boards of directors provides prestige, both in the business world and in society in general.

EVOLUTION OF THE NUMBER OF WOMEN IN ADMINISTRATIVE BOARDS IN NORWAY (1992-2012)



Source: European Commission (2012) and Huse (2009)

CRISIS, REFORMS AND DISMANTLING OF THE WELFARE STATE IN SPAIN

Existing regulations on the matter of equality in Spanish law deal with eliminating differences between men and women, especially in the field of employment. In this context, it is worth mentioning Law 39/1999 for promoting the reconciliation of work and family life for working people; Law 30/2003 on measures for incorporating the evaluation of gender impact into regulatory dispositions prepared by the Government; Organic Law 1/2004 on comprehensive protection measures against gender violence and Organic Law 3/2007 for effective equality between women and men.

Law 30/2003 requires that the procedure for preparing draft bills and regulations be accompanied by a gender impact report regarding the measures to be established therein. Article 19 of Organic Law 3/2007 declares that *“the drafts of general dispositions and plans of special economic, social, cultural and artistic importance that are presented for the Cabinet’s approval must incorporate a gender impact report.”* The official protocol is being committed to apparently neutral policies with “zero” gender impact¹¹.

Among these apparently neutral regulations, it is worth highlighting Law 3/2012 on urgent measures for job market reform. This extends the trial period from three to twelve months, modifies the part-time contract, reduces compensation for dismissal and facilitates the suspension of collective agreements (many of which introduced improvements in aspects related to reconciling work and family life). Women have a majority presence in part-time work. Therefore, measures such as the permanent contract with a one-year trial period, the regulation of overtime in part-time contracts and the irregular distribution of the workday affect their employability. There is also the elimination of the company maternity bonus.

Royal Decree-Law 8/2010, of May 20, which adopts special measures to reduce public deficit contemplated, among other measures, the application of a 10% replacement rate in public sector employment during 2011, 2012 and 2013. *Law 17/2012, of December 27, on the General State Budget for 2013* modified this Royal Decree and established that, throughout the said year, no new personnel would be incorporated into the public sector, with the exception of a series

of sectors and administrations contemplated in the Law’s Article 23. This measure results in less employment opportunities for women, since public sector employment, due to its more objective and less discriminatory access conditions compared to the private sector, accounts for a high percentage of female employment. This limitation was maintained in *Law 22/2013, of December 23, on the General State Budget for 2014*. *Law 36/2014, of December 26, on the General State Budget for 2015* increased the replacement rate to 50% in the case of certain sectors and administrations that are considered priority ones.

Royal Decree 1483/2012, of October 29, which approved the Regulations for collective dismissal, contract suspension and workday reduction procedures, facilitates the dismissal of public sector employees, enabling redundancy dismissal in the public administrations and their dependent public companies.

Public service cutbacks are generating a loss of employment in highly feminised sectors such as teaching, healthcare, local administration, as well as certain services that the State no longer provide and which are once again carried out by women; this is the case of providing care for dependents, which is normally assumed by women, either within the family circle (mothers, partners...) or because the family can afford to hire someone to do so, normally a woman. When the family circle takes over caregiving, this means that the persons that do so (mostly women) either have to give up their job or request a reduced workday with a reduced salary. An important element for participating in the job market is lifelong training. In this regard, in Spain the percentage of women that were unable to participate in any training or educational activity in the last year (40%) due to family responsibilities, indicates the need for boosting measures to reconcile training and providing care for dependents.

The fact that the healthcare and social services sector is the only one in which more women than men have lost their jobs is a cause for concern. The reform of local administrations may lead to a lack of social care and the cancellation of initiatives aimed at covering such important needs as providing care for dependents; day care for the elderly; all types of municipal educational services; help for women that are victims of gender-based violence; home help and family support; social prevention and insertion; consumer information offices; career guidance and job training; economic promotion; culture; childhood, youth, women’s, senior citizen programmes; immigration..

11. All the Royal Decrees approved by the Government during 2012 were classified as zero gender impact.

The education system, which is highly feminised in its initial educational stages, is where austerity policies and cutbacks are proving especially harmful. In relation to employment, the General State Budget for 2012 eliminated the co-funding of Plan Educa3, aimed at children's education from ages 0 to 3. The elimination of this funding put an end to the planned increase in employment therein, mainly affecting women.

The lack of job offers, the increase in teaching hours, the non-replacement of staff on leave,..., have resulted in a great loss of school personnel. In just one year, 22,525 jobs were lost in the education sector (in both public and private schools). The education reform also puts an end to equal opportunities in the educational model, imposing a system that eliminates education in values, education in gender equality and respect for sexual and gender diversity.

In relation to Higher Education, although this is non-compulsory, it is something to which all citizens are entitled. In the 2012-2013 course, the total number of lecturers and researchers in the Spanish University System amounted to 115,332, of which 101,299 were attached to public universities (own and associated institutions) and 14,033 to private universities. Public universities reduced the number of lecturers in the 2012-2013 to a total of 95,947 (a 3.2% decrease).

For its part, students now find it more difficult to access university due to an increase in university fees and the application of Royal Decree 609/2013 on Educational Grants and Allowances, which limits access to education for those who cannot afford to pay university fees.

Today, in Spain, budget cutbacks coexist with a crushing attack against women's liberties that do not harmonise with the restructuring of public policies. From a gender perspective, the different National Reform Plans completely lack the gender mainstreaming that should guide any governmental initiative, in order to guarantee the principle of Equal Opportunities between men and women, contemplating measures that, far from respecting this constitutional principle, boost all the more discrimination against women in their main points, such as employment, the reforms introduced into the dependency law, in the education reform or in social protection systems, for example. They do not stop poverty and social exclusion from spreading throughout society; this impoverishment is spreading more quickly among women, including those who are employed. Spanish women's risk of poverty and exclusion is higher than that of men in all age groups and has increased during the crisis by 6 points, 2.5 times the increase experienced by men.

Women make up a majority in long-term unemployment and a minority in those entitled to unemployment benefits, difficulties that are derived from the characteristics of job insecurity and discontinuity that they often experience.

PERCENTAGE OF UNEMPLOYED WOMEN ACCORDING TO TIME UNEMPLOYED IN 2012

12 to 15 months	50,4%
18 to 21 months	50,6%
21 to 24 months	52%
more than 24 months	59,90%

Source: INE, 2014

The risk of poverty and social exclusion is extremely high in single-parent households (mainly single-mother households, since women are in charge of 89% of them), having risen to 45%; practically 1 out of every 2 women are in charge of household with minors in their charge.



WOMEN AND THE JOB MARKET IN SPAIN

Employment has been destroyed since the effects of the crisis began to be felt, with an accumulated loss of 2,235,700 jobs. At the beginning of 2014, a change of tendency was perceived in the main macroeconomic data, thereby creating jobs. This piece of good news loses intensity when we analyse the data in detail, as well as the policies and measures adopted during this period, and the resulting employment consequences¹².

WOMEN'S ACTIVITY, EMPLOYMENT AND UNEMPLOYMENT RATES

Men's activity rate has been decreasing, while the inactive male population has been increasing, mainly in the situations of pensioners and students, starting in 2009, the year when the loss of employment in construction and industry intensified.

On the other hand, women's activity rate has not stopped increasing with the passing of time and, more specifically, in recent years; in 2008 women's activity rate was 51%, rising to 54% in 2014.

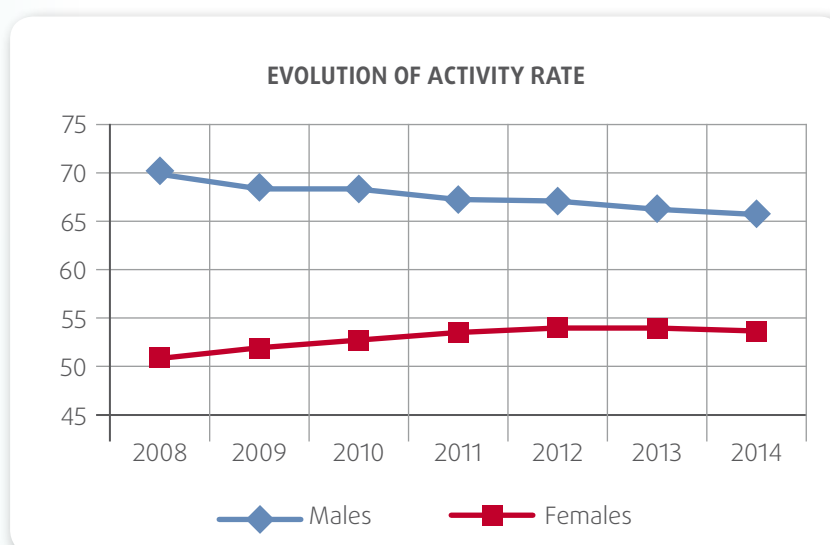
There are more men than women in all age groups; the main differences in gender and age are found in the groups of ages 30 to 44, with 647,200 men more, and ages 55 and over, with 946,200 more.

EMPLOYMENT RATE

Taking into consideration the gender variable, in Spain there is a difference between the male and female employment rate: in men, the employment rate decreased by 13 points compared to 2008, mainly due to loss of jobs, while the decrease was 4 points for women. This difference in the decrease in the employment rate is due to the fact that, in 2008, the first jobs that were lost were in the construction sector and then in industry, sectors characterised by a high male presence, while at the end of that year jobs began to be lost in the services sectors¹³, a feminised sector.

In the period 2008-2014, the crisis resulted in a loss of 3,125,500 net jobs and 2,575,400 paid jobs. This period saw the destruction of 763,000 net jobs and 646,000 paid jobs occupied by women, especially in the services sector. The destruction of employment was smaller among women, although starting from the adjustment in the public sector (2011), the decrease intensified among women while the destruction of employment slowed down in the case of men.

In Spain in 2013¹⁴, the employment rate of men aged 25 to 49 without children under 12 was 75%; in the case of those having children that age, the employment rate was 4 points higher (79%). The highest value in men was attained with those having two children under 12 (80%). In the case of women, as the number of children under 12 increases, the employment rate decreases.



Source: INE, 2015

12. Rocha, F. (coordinator): El mercado de trabajo en España en 2014. Una recuperación insuficiente y precaria. Report 116. 1º de Mayo Foundation. Madrid, 2015.

13. *Mercado de trabajo. Evolución 2007-2011*. Report prepared by the CCOO Confederal Secretariat for Employment and Migration, October 2011.

14. Latest data available.

EMPLOYMENT RATE OF PERSONS AGES 25 TO 49 WITHOUT CHILDREN UNDER 12 AND WITH CHILDREN UNDER 12						
		2013	2012	2011	2010	2009
Men	Without children under 12	74,4	74,8	77,9	79,6	80,1
	With children under 12	78,9	78,9	81,5	82,4	83,7
	1 child	78,3	78,4	81,1	82,2	83,3
	2 children	80,6	80,6	82,7	83,2	84,9
	3 children or more	72,8	72,3	78,4	79,4	79,4
Women	Without children under 12	66,9	67,6	68,9	69,3	70,0
	With children under 12	59,5	59,9	60,3	60,1	60,6
	1 child	61,2	62,2	62,0	62,2	63,0
	2 children	58,2	57,5	59,0	58,3	58,4
	3 children or more	47,0	47,0	47,6	47,6	45,0

Source: INE, 2014

UNEMPLOYMENT RATE

In 2014, the number of unemployed over 16 amounted to an annual average of 5,610,400, which is a 7.3% decrease compared to 2013.

The decrease in unemployment in absolute terms was greater among men (-289,100) than among women (-151,600). The decrease in unemployment was due to having found a job in 56% of the cases of men and 48% of women.

According to education level, 54% of the unemployed population had a low education level, mainly among men (60%). The percentage of unemployed women with an advanced education level (27%) was higher than that of men (19%).

In 2014, the weight of those unemployed for more than a year increased (62%), especially in the case of those unemployed for more than two years (42%).

The situation of the unemployed is getting worse, because they either do not have an opportunity to find a job or because all they can find is temporary work. This has led to a considerable increase in the

amount of people who remain unemployed. Age and gender are influencing the duration of unemployment. Among the long-term unemployed, women ages 30 to 44 have the most weight (41%).

EMPLOYMENT

The report *The job market in Spain in 2014* states that there are significant differences between men and women in the sectorial distribution. Men's relative weight is greater in four activity branches: provision of services to the general community, sports activities, electrical, plumbing and other installations, and transport-related activities. Women's presence is greater in three activity branches: hospital activities, retail sales of other articles in establishments and care in residential establishments for the elderly with physical disability

LONG-TERM UNEMPLOYED ACCORDING TO GENDER AND AGE GROUP						
	Women			Men		
	16 to 29	30 to 44	45 and more	16 to 29	30 to 44	45 and more
2014	22,0	41,4	36,4	24,7	36,2	39,3
2013	23,7	41,4	34,7	26,7	37,9	35,6
2012	25,0	41,8	33,1	28,3	38,0	33,8
2011	26,2	41,8	31,9	29,0	38,5	32,5
2010	26,1	42,0	31,8	30,7	38,1	31,3

Source: EPA, 2014

WORKDAY AND TYPE OF CONTRACT

Women's presence in the job market is increasing more and more, with great differences compared to men as regards type of workday and type of contract. During 2014, employment increased by 216,000 people in absolute terms, mainly in full-time contracts; establishing a relationship between gender and type of workday, women's employment increased in part-time work.

In Spain, 25% of employed women work part-time. Part-time employment is conceived as a way of accessing the job market at the beginning of one's working life, both for men and women, although the situation is still unfavourable for women with a greater presence in age groups up to 30 years old.

Sixty-six per cent of women working part-time are employed in two occupation branches: Workers in hotel and catering, personal, protection services and salespeople and Elemental occupations, mainly in the sub-sectors of shop assistants, domestic employment and unqualified workers.

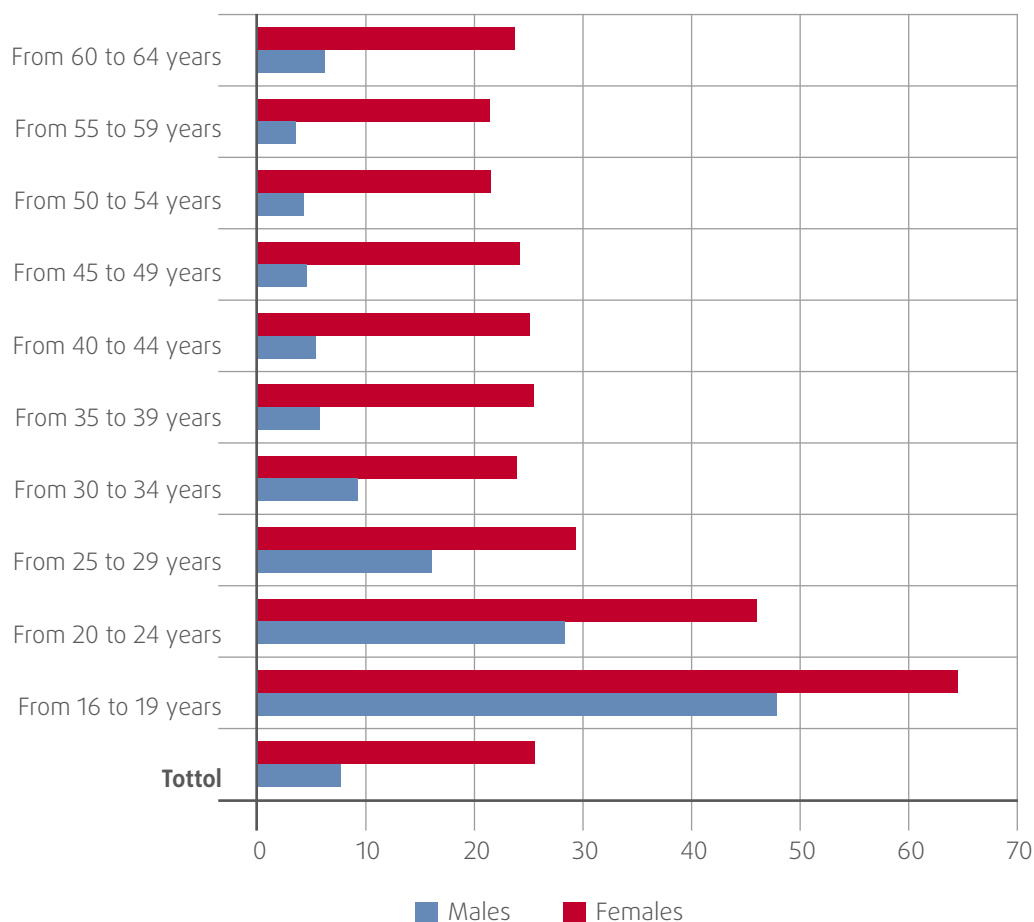
The main reasons given by women ages 16 to 64 for working part-time are the following three: not being able to find full-time work (60.4%), other unspecified reasons (28.4%) and not wanting to work full-time (7.1%).

Among men ages 16 to 64, the main reasons in 2013 were the following: not being able to find full-time work (69.1%), other unspecified reasons (19.1%) and continuing education or training courses (8.5%).

Eighty-nine per cent of people working part-time to provide care for dependents (the sick, relatives or friends ages 15 or more) are women. The main reasons given are that care services are very expensive (37.2%) and the lack of care services for dependents (24.3%).

According to type of contract, jobs with a temporary contract, regardless of the workday, are the ones that increased the most between 2012 and 2013, mainly among women. In 2013, almost two million women were working with this type of workday, 52% of them in the group of wage earners with the lowest remuneration. The average wage of this group was €392

PART-TIME WORK IN SPAIN ACCORDING TO GENDER AND AGE



Source: INE, 2014

	Year 2013				
	Full-Time		Part-time		Average salary (€) women in part-time
	Absolute value	Percentage	Absolute value	Percentage	
Total	4.975,2	100%	1.882,6	100%	693,6 €
1	77,8	1,6%	979,8	52%	392,71 €
2	392,7	7,9%	515,8	27,4%	780, 21 €
3	672,8	13,5%	185,1	9,8%	1.072,35 €
4	621,3	12,5%	85,7	4,6%	1.315,04 €
5	537,1	10,8%	45,2	2,4%	1.506,38 €
6	530	10,7%	29,4	1,6%	1.680,78 €
7	525,1	10,6%	25,3	1,3%	1.956,82 €
8	572	11,5%	10,2	0,5%	2.339,34 €
9	578,4	11,6%	6	0,3%	2.720,04 €
10	468,1	9,4%			

Source: EPA, 2014. Absolute figures expressed in millions

SALARY DIFFERENTIAL

It can be said that women experience a double “gap” compared to men with regard to the job market in terms of salary: firstly, women have a lower average salary per hour than men and, secondly, more women work part-time. This results in a lower average annual salary than men.

The salary differential generally reflects women’s different work patterns. In most countries in which women’s employment rate is low, the salary differential is lower than average; high salary differentials usually occur in highly segregated markets or in those where an important proportion of women work part-time.

Taking as a reference point 2010, the year when the last four-year survey on salary structure was published, the pay gap has increased. Between 2010 and 2013, the gap increased by 2.5 percentage points; ta-

king into account the gap according to autonomous region, we see that the gap has increased in all regions except in the Canary Islands. The most significant case is that of Extremadura, where the gap increased by 17 percentage points: while in 2010 the salary of women in Extremadura had to increase by 16% to be on a par with men’s, in 2013 it had to increase by 34%.

Women’s smaller salary compared to men in the population segments with the lowest wages is largely due to women’s presence in part-time work (the less time you work, the less annual salary you receive) compared to men’s.

	Year 2013			
	Total	Permanent	Temporary	Seasonal index
Both genders	22.697€	24.333€	15.433€	30%
Women	19.514€	20.643€	14.570€	32%
Men	25.675€	27.768€	16.258€	28%
Diff. Man - Woman	6.160€	7.125€	1.688€	
Man/Woman %	32%	35%	12%	

Source: INE. Salary Structure Survey 2013 and EPA 2013

The annual average income of the population with a permanent contract (€24,333) is higher than that of those with a temporary contract (€15,433). This greater remuneration exists in both men and women, but not with the same intensity. Men's average income improves from a temporary to a permanent contract (70%), to a greater extent than the improvement in the case of women (41%). Changing from a temporary to a permanent contract is more "favourable" in terms of income for a man than for a woman.

In relation to type of contract, women's average income would have to increase by 32% to be on a par with men's average income; however, it would have to increase even more (35%) to be on a par with the average income of men with a permanent contract. In temporary contracts, women's average income would have to increase by 12% to be on a par with that of men with a temporary contract.

Calculating the annual gap according to age group shows that the gap increases in the 46 to 60 age group; i.e. it has a greater impact on an important part of the time making National Insurance contributions, which is a basic element in calculating social protection (unemployment, pension).

In the wage-earning population as a whole, both full-time and part-time workers, 18.6% of women (compared to 8% of men) earn less than the inter-professional minimum wage. However, if we analyse the full-time wage-earning population, there is hardly anyone earning less than the minimum wage, since by law nobody should be working full-time for less than the inter-professional minimum wage. Nevertheless, in the case of full-time, the percentage of women (56%) receiving between 1 and 2 times the minimum wage is a lot higher than that

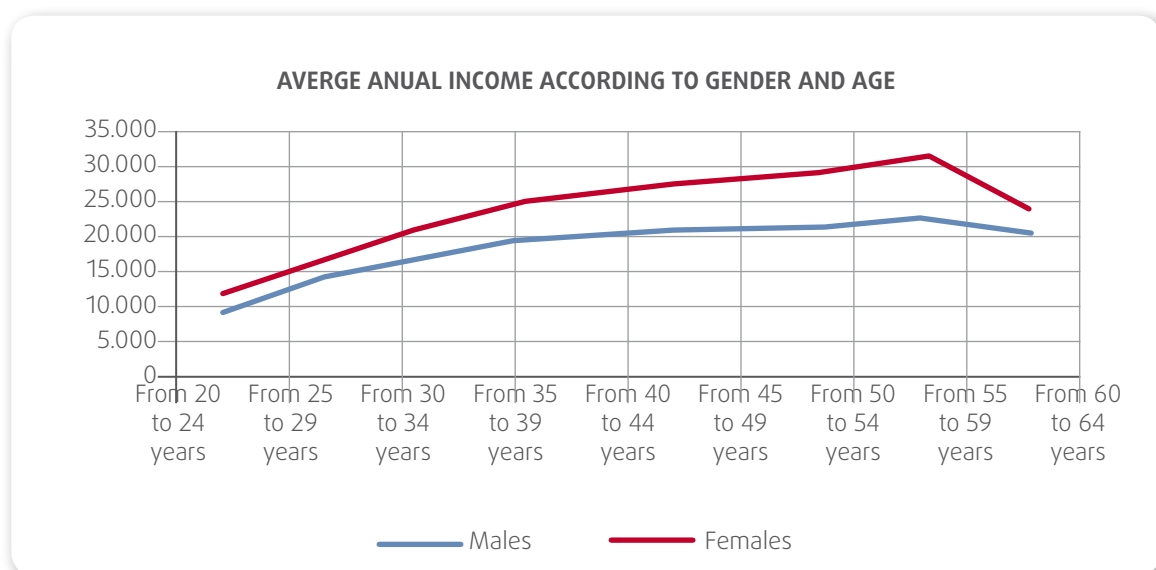
the percentage of men (36%), which confirms that women earn the lowest salaries to a greater extent than men, both in the number of workdays as a whole (where part-time has a great impact) and among full-time wage earners.

PERCENTAGE OF WORKERS ACCORDING TO THEIR INCOME COMPARED TO THE INTER-PROFESSIONAL MINIMUM WAGE (RELATIVE TO TOTAL WORKERS) AND GENDER		
	Women	Men
% TOTAL WORKERS	100	100
0 to 1 Minimum Wage	18,62	8,29
1 to 2 Minimum Wage	37,85	28,38
2 to 3 Minimum Wage	23,09	28,89
3 to 4 Minimum Wage	10,52	15,32
4 to 5 Minimum Wage	5,19	8,9
5 to 6 Minimum Wage	2,18	4,11
6 to 7 Minimum Wage	1,14	2,6
7 to 8 Minimum Wage	0,72	1,49
More than 8 Minimum Wage	0,69	2,02

Source: INE Salary Structure Survey 2013

Minimum Wage in 2013: 9,034.20 euros

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Source: INE, Annual Salary Structure, 2013

PERCENTAGE OF WORKERS ACCORDING TO THEIR INCOME COMPARED TO THE INTER-PROFESSIONAL MINIMUM WAGE AND TYPE OF WORKDAY AND GENDER						
	TOTAL			FULL-TIME		
	Both genders	Women	Men	Both genders	Women	Men
% Total workers	100	48,33	51,67	100	42,67	57,33
0 to 1 Min. W.	100	67,75	32,25	100	66,24	33,76
1 to 2 Min. W.	100	55,51	44,49	100	50,35	49,65
2 to 3 Min. W.	100	42,77	57,23	100	41,7	58,3
3 to 4 Min. W.	100	39,11	60,89	100	38,65	61,35
4 to 5 Min. W.	100	35,27	64,73	100	35,16	64,84
5 to 6 Min. W.	100	33,19	66,81	100	33,26	66,74
6 to 7 Min. W.	100	29,03	70,97	100	29,05	70,95
7 to 8 Min. W.	100	31,18	68,82	100	31,24	68,76
More than 8 Min. W.	100	24,23	75,77	100	24,29	75,71

Source: INE. Salary Structure Survey, 2013

Minimum Wage in 2013: 9,034.20 euros

A breakdown of wage earners according to their income level shows that the previous percentages do not remain the same, but women are over-represented in lower salary levels and are under-represented in the higher salary levels as shown in the table above: women make up 68% of wage earners with income below the minimum wage and 24% of the population earning more than 8 times the minimum wage.

Being a wage earner often means being able to escape from poverty. Nowadays, the existence of poor male and female workers is a reality. Spain is the third country in the European Union as regards the poverty level of its working population: 12% of Spain's working live in households whose income is below the poverty threshold.

Poverty in employment does not affect all socio-labour profiles and households equally. Taking employed people as a reference, we can see that labour poverty is higher among self-employed people than among wage earners. Full-time workers have a smaller poverty index than part-time workers. The type of contract is also a determining factor; the poverty index of those with a temporary contract triplicates that of those with a permanent contract.

Depending on the personal characteristics, women have lower rates of labour poverty in self-employment compared to men, while they have higher rates than men in the case of wage earners. Training also has an impact; the less training working people have, the greater is their poverty index.

WOMEN IN MANAGEMENT POSTS

Although Spain was one of first European Union countries to adopt some measures in this field, current legislation is from a very different context, prior to the outbreak of the crisis, and with other implementation perspectives. Organic Law 3/2007 on Effective Equality between Women and Men recommends limited companies with 250 or more employees to reach the figure of at least 40% in their boards of directors in 2015. Furthermore, the Unified Code of Good Governance of Listed Companies, adopted in 2006, urges large Spanish companies to attain suitable gender diversity, as part of their policy and social corporate responsibility (SCR). In Spain, however, none of the current measures are compulsory and there are no formal sanctions for any non-compliance. In fact, the situation of unequal representation is present in both the political and economic fields (Comisiones Obreras, 2013; ADECES, 2013). On the other hand, the period established by Law 3/2007 is completely improbable. According to the tendency of recent years, the objective will be attained in twenty years.

PRESENCE OF WOMEN IN THE JOB MARKET IN DIFFERENT AUTONOMOUS REGIONS

The active female population has been increasing since the beginning of the crisis, reaching the figure of a million women that have joined the job market during these years. This increase in the active population has been generalised in all autonomous regions, with Andalusia, Catalonia and the Canary Islands being the regions in which more women have joined. This incorporation does not mean finding a job, but rather beginning to look for one. The percentage of women looking for their first job or that gave up their last job more than a year ago, is being duplicated or triplicated in all autonomous regions.

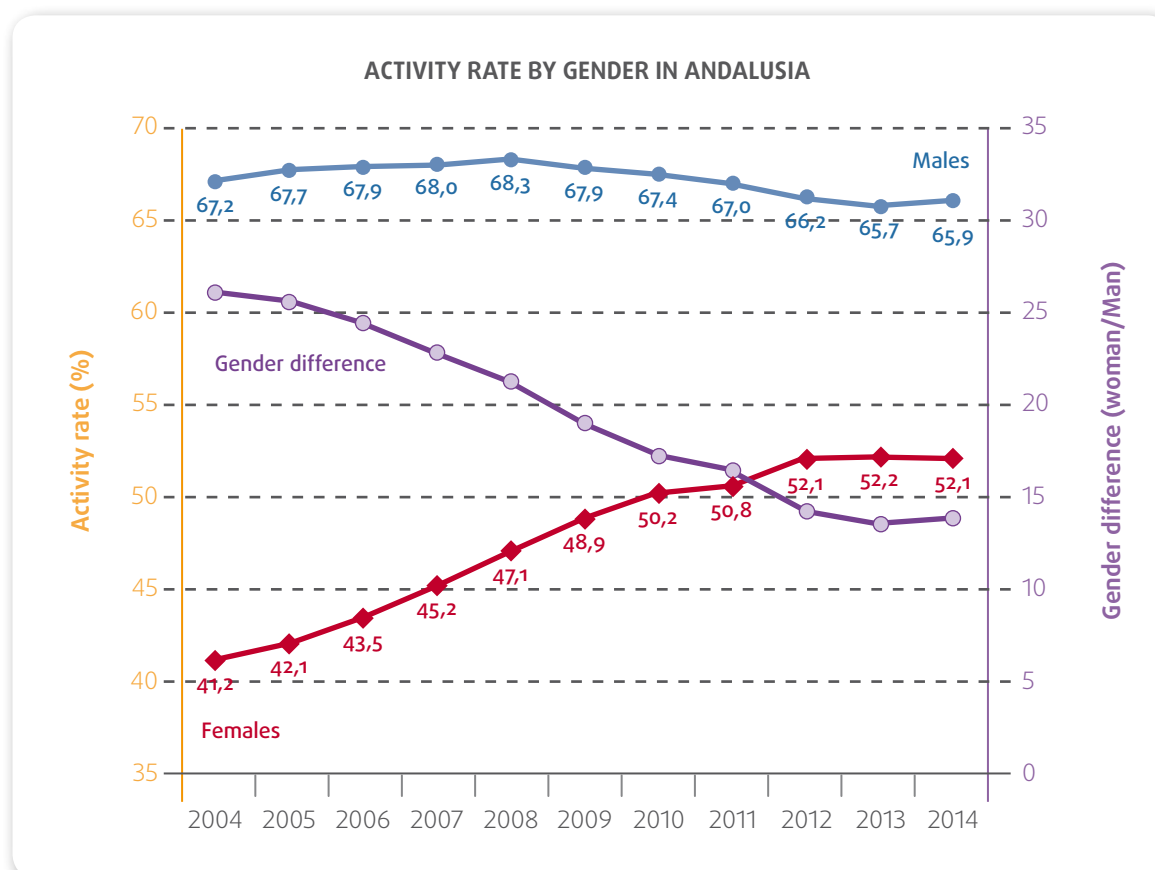
Andalusia¹⁵

Up to the beginning of the crisis, women's traditional predominance among the population aged 16 and over in Andalusia was decreasing more and more, until the feminisation index reached a minimum of 103.2% in 2008 (women surpassed men ages 16 and more by 3.2% in annual averages). Starting in that year, the predominance of women among the working-age population started rising again, reaching a feminisation index of more than 104% in 2014.

■ **Activity:** The levelling out of the male activity rate at figures of around 67-68% and the important increase in the female activity rate has enabled a reduction in the large differential that existed before the crisis, resulting in values close to 14 percentage points in 2012. In the next two years, the female activity rate levelled out and stopped converging with the male one, with the gender differential remaining at around the same figure of 14 percentage points.

Although the female activity rate has not varied in the last two years, the tendencies of previous years have stayed the same for the different age groups, with decreases in the under-25s and increases in the over-25s.

■ **Inactive population** In Andalusia, 19.4% of working-age women remained inactive to take care of housework in 2014; this percentage only varied a few decimals compared to the two previous years and is still well above the minimum of 2.3% for men. These large differences are even more evident when viewed from the perspective of population figures, according to which the number of women that remained active to take care of housework was around 678,800, which is a lot more than the 76,000 men who remain inactive for the same reason.



Fuente: INE, EPA

15. Taken from the Report of March 8, 2015: Labour situation of Andalusian women.

Another notable tendency is the increase in inactive women due to receiving a retirement pension, drawing very close to those that receive another type of pension. This evolution is a direct consequence of women's recent incorporation into the job market, which favours entitlement to a retirement pension rather than non-contributory pensions or benefits. However, despite this slow progression, the number of women receiving retirement pensions is still a lot lower than that of men. The averages for 2014 indicate that 288,400 women had retirement pensions in Andalusia, compared to 630,500 men.

The slump in employment during the crisis was larger in the case of men compared to women in all years up to 2013, which is the only year of the crisis in which female employment has fallen by more than 3% and the only one in recent five-year periods in which women have lost weight in Andalusian employment.

■ **Employment:** In 2014, working women experienced a slight increase of 1.1% in Andalusia, which has barely offset the heavy loss of employment in previous years and is less than the 3.5% increase in male employment, so that women have lost weight in Andalusia's working population for the second consecutive year.

The recovery of female employment in 2014 was mainly based on the agricultural sector, while construction and activities linked to the public sector accumulated important increases once again, on top of the strong decline experienced in 2013.

The slight increase in female employment in 2014 barely serves to replace a very small part of the jobs lost the previous year. The employment that is now being created is mainly concentrated in the agricultural sector, which increased its workers by 13,100, meaning that the balance of all non-primary sectors is a decrease of 1,200 workers. These non-primary activities also feature different types of variations. On the positive side, there is an increase in industrial sector employment and somewhat less intense growth in working women in commerce and hotel and catering, as well as in financial intermediation and professional services. On the negative side, the strong destruction of female employment continues in construction and all activities linked to the public sector (Public Administration, education and healthcare).

The greater incorporation of Andalusian women into public-sector employment favoured an upward convergence of the number of men and women in 2010, the year when the upper limit of public-sector employment was attained in Andalusia as well as parity at around 290,000 employees, both men and women. In 2014, the number of women in the public sector decreased again in Andalusia (2.3%), compared to a 1.9% increase in men, and a 2.2% increase in female employees in the private sector or a 1.6% increase in the female population of non-wage earners.

In the last three years there has been a decrease in full-time female workers and an increase in part-time

workers; the percentage of part-time workers has therefore increased from 25.8% to 31.3%, well above the previous years' levels.

■ **Unemployment:** As the crisis advances, so does the time that an important number of women have been unemployed. The number of those who have been unemployed for more than two years increased in Andalusia by 9.6% during 2014 to the figure of 301,500 women, who amount to 46.5% of the total amount of unemployed women.

If we also include women that have been unemployed for more than a year, the group increases to 418,800 unemployed females, who amount to 64.6% of unemployed women.

■ **Hiring and seasonal index:** Working women with a permanent contract continued falling in 2014 and only temporary employment increased, which involves an increase in the seasonal index to close to 34% among Andalusia's female employees.

In 2014, the destruction of permanent female jobs continued and only temporary employment increased, from 32% to 34%, thereby changing the downward trend that began in 2007. Only 4% of the employment contracts formalised with women were permanent and the other 96% were temporary. This meagre use of permanent contracts has remained at around 4% in recent years, below the 4.5% from before the labour reform of 2010 and slightly above the male figure of around 3%. The differences are larger if we compare the figures with the almost 6% of permanent contracts that Andalusian women signed before the crisis or the average of 8.8% for women in Spain as a whole.

The type of contract used the most by Andalusian women is that of *Temporary due to production circumstances*, which accounts for 42.3% of contracts. This involves a gradual decrease compared to previous years, since this contract exceeded 50% before 2008. The contrary is true of the contract *For works or service*, which is the other type that is used massively and whose weight has gradually increased among female contracts to 42% in Andalusia. Far below this percentage, but above the others, is the *Temporary contract*, which accounted for another 7.5% of female contracts in 2014.

ASTURIAS¹⁶

The crisis is far from over, and so are its effects in the form of unemployment, poverty and deterioration of the social model. However, after six years there are some signs of what could be an incipient recovery that, at the moment, has more negative than positive aspects and which is affecting men and women unequally.

■ **Employment:** The slight improvement in economic activity in 2014 has enabled employment to start increasing again in Asturias, especially among women: there was an annual average of female employees of 177,600, which is 4,300 more than in 2013 (+2.5%). However, this improvement is based on greater precariousness: the number of female employees with a temporary contract increased by 4,100 (+11.2%). Permanent employment also increased, but unequally between men and women: the number of female workers with this type of contract only increased by 100 (+0.1%), while that of female workers rose by 1,100 (+1.0%).

Likewise, the levels of Asturian women's participation in paid employment increased in 2014 to 36.76%, but this is still below the figures from before the crisis (-3.7%) and the figures for men (-8.7%).

Women's working conditions are still worse than men's, since they find it more difficult to attain a "normalised" entry into the job market with a permanent, full-time contract and National Insurance registration. Their jobs are concentrated in very few activity sectors and in occupations with worse labour conditions and less social and professional recognition (horizontal segregation), while they experience greater difficulties in rising to posts of responsibility (vertical segregation), and they receive, for these and other reasons, lower salaries. In 2014, job instability increased among men and women, but it still affects women's employment to a greater degree: 27.5% of Asturian female employees have a temporary contract, compared to 23.6% of male employees. Likewise, eight out of ten part-time workers (78%) are women, and part-time work is still more common among the latter: 21.3% of the region's female employees work part-time compared to 5.4% of men. In recent years, not only has the weight of part-time work increased in employment but so has the number of unwilling part-time workers (six out of ten cases), which, along with the smaller salary, explains why finding a job is less and less a guarantee of overcoming poverty, especially among women. Hiring data from 2014 highlights latent gender differences: full-time permanent employment increased by 27.6% among men, but only by 7.9% among women. Despite these advances, only 3.4% of contracts signed by Asturian women were permanent, compared to 5.4% of men.

However, almost half (47.6%) of women's contracts were temporary and part-time, compared to one out of every four among men (26.7%). The weight of doubly precarious contracts in female contracts has increased by ten points since 2007.

■ **Unemployment:** In 2014, in Asturias there was an average of 70,700 women actively seeking employment; these are 5,100 less than the previous year (-9.2%), thanks to job creation and population loss. Nevertheless, the figure more than doubles that of 2008 (-113.0%) and the unemployment rate remains at unacceptable levels: 22.21% of Asturian women that want to work cannot, and this figure would reach 30% if we add those women that only do housework. The gender gap with regard to unemployment rates, traditionally unfavourable for women, is increasing again after having converged, and has now reached two points.

The prolongation of the crisis has resulted in chronic unemployment, so that in 2014 around 31,000 Asturian women (six out of ten) had been actively looking for work for more than a year. These include 20,200 long-term unemployed women, who have been looking for a job for more than two years.

■ **Income:** Women's greater difficulty for finding and keeping a job, and the worst conditions of the jobs they occupy, condition the amount of their salaries, unemployment benefits and pensions, which are also been cutback due to the crisis and the government policies applied in recent times. In 2013 (the latest data published) men had 37% greater salary income than women, 27% more unemployment benefits and 73% more pension income.

In 2014, only 27.2% of Asturian women actively seeking employment received unemployment benefits, compared to 34.1% of men; there was an average of 13,700 beneficiaries compared to another 36,900 unemployed women that did not receive any benefits. On the other hand, more than 6,000 Asturian women received non-contributory pensions, double that of men; their amount (364.90 euros/month) is below the poverty threshold. In the case of contributory pensions, 20.9% of those received by women include minimum supplements, so that they do not attain even the inter-professional minimum wage (645.30 euros/month), compared to only 11.0% in the case of men.

16. Taken from "Women in the Asturian job market." Year 2014.

BALEARIC ISLANDS¹⁷

In 2014, there was an average of 276,800 active women in the Balearic Islands; this figure amounts to a 59% activity rate.

According to age group, the highest activity rate was for women ages 25 to 34 (86%); in the 35 to 44 and 45 to 54 age groups, the rate was around 81%, decreasing to 57% in the case of those up to 64 years old. Among active women, the majority have higher education qualifications (35%). Eighty-two per cent of active women in the Balearic Islands have an occupation and 18% are unemployed.

The number of active women has decreased by -2,200 (-0.8%). The decrease is more intense among men (-6,200, -1.9%), so that the gender gap is being reduced passively.

According to age group, there are variations in the annual evolution. Among women ages 25 to 34, -5,000 (-6.4%) active women were lost; on the other hand, among over-45s there was an annual increase of +5,800 (+5.9%) active women.

In 2014, the Balearic Islands had an average of 225,900 women working with a salary rate of 85%. Ten per cent of women are self-employed; 4.3% of working women are businesswomen with employees working for them.

The main sectors in which women work are hotel and catering, public administrations, social security, education, healthcare and social services.

The seasonal index among women is 23%, rising to 38% in the case of under-35s. Fifty-five per cent of female employees with a temporary contract are under 35.

In 2012, women's annual average salary was €19,022; compared to 2011, women's average salary has decreased by €355. There is a pay gap of 20%, 11 points below the national one. The biggest gap (25%) is in the 45 to 54 age group.

CASTILE AND LEON¹⁸

The first piece of information worth highlighting is a slight decrease in the active population, despite the decrease in the inactive population (more inactive ones have started looking for work, thereby increasing unemployment figures). The decrease in the active population is due to many men leaving the job market, mainly due to retirement or pre-retirement. At the same time, the active female population has increased; the crisis situation has moved many women to start looking for work, linked to the destruction of jobs among men.

The activity rates of both genders converge among under-30s, while remaining separate among over-30s. Despite less women entering the job market than men, their employment rate is clearly inferior to that of men. During recent years, the employment rates of both sexes have coincided, not because of an improvement in female employment levels but mainly due to the intense destruction of jobs among men, which has drastically reduced their employment rate.

Among women, the reduction in the employment rate among young people up to age 25 reflects the loss of jobs, while the rate has increased among adult women, but not enough to avoid a net loss of jobs.

Temporary employment is precarious, above all, because it is insecure and unstable employment and this lack of security and stability is usually connected with aspects of precariousness. Destruction in net and aggregate terms is mainly concentrated, as regards type of contract, among temporary ones and, in the case of gender, among men. The increase in permanent female employees is a lot lower than the loss of temporary -female and, above all, male- employees, which results in a net loss of paid jobs.

■ **Workday:** In Castile and Leon there has been a similar increase in part-time employees between men and women. Although part-time work has been increasing among men, it is still highly feminised, in both absolute and relative terms: women account for 78% of part-time employees.

These percentages are very different in the case of full-time, in which women account for 40%. This data confirms that part-time work is part of women's everyday employment reality and is still the exception among men.

17. Taken from the report *"Les dones i el mercat laboral balear, 2014."*

18. Taken from *"Women in Castile and Leon: a look at their social and labour situation."*

■ **Wage-earning population according to activity sector:** The presence of men and women is different according to activity sector. Some sectors are clearly masculinised (agriculture, industry, construction) while the services sector as a whole is slightly feminised, although in some of its branches men's presence is much larger than women's. At present in Castile and León, 90% of female employees work in the services sector, compared to only 61% of men; this sectorial profile is similar to that found in Spain as a whole. The activity branches with a predominance of women are Commerce, Hotel and Catering, Administrative Activities and Auxiliary Services, Education, Healthcare Activities and Domestic Employment. In the case of commerce, a breakdown highlights a predominance of women in retail trade, while trade and vehicle repair, and wholesale trade have a greater male presence.

■ **Pay gap:** In Castile and León, women's average salary is 17,552 euros per year. The reality is that slightly more than 50% of female employees in Castile and León earn less than this amount.

Women's smaller salary compared to men's among age groups with lower salary income is mainly due to the higher presence of female part-time workers (the less time you work, the less annual income) compared to male ones.

The average annual income of Castile and León's population with a permanent contract (€21,839) is higher than that among temporary workers (€15,529). This larger remuneration occurs among both men and women, but not with the same intensity. Men's average income improves from a temporary to a permanent contract (43%), to a greater extent than the improvement in the case of women (14%). Changing from a temporary to a permanent contract is more "favourable" in terms of income for a man than for a woman.

In relation to type of contract, women's average income would have to increase by 41% to be on a par with the average income of men with a permanent contract. In relation to temporary contracts, the situation in Castile and León is different from the rest of the country: the pay gap is persistent.

CATALONIA¹⁹

Starting in 2008 and throughout the crisis, job destruction has been a reality that has had a greater impact on women than on men. Although there has been a slight increase in the occupation rate in recent months, it involves poor quality employment with worst conditions. During 2014, mainly male employment was created. In the case of women, employment is precarious, unstable, part-time and badly paid. Public sector cutbacks have had a gender impact because they have destroyed a highly feminised type of employment with permanent contracts. The private sector, on the other hand, has generated employment for men and women, but precariousness has increased. The consequences of labour reforms are still having an important gender impact, especially due to part-time contracts, irregular and arbitrary workdays, and low wages.

In Catalonia, 47% of women say that they are active, 8 points less than men; women make up 59% of inactive people, 18 points more than men. According to the Active Population Survey (EPA), the reasons for inactivity are similar in both men and women when inactivity is due to retirement, training and illness or disability. However, the great difference in women's inactivity is due to childrearing, looking after the sick or the elderly, or taking care of other family responsibilities.

Paid leaves (paternity or maternity) and unpaid ones (leaves of absence or reduced work time) are mainly taken by women. When women have children, they stop working or start working part-time five times more than men and there are 10 women for every man that reduces his work time.

According to type of occupation, there is still a sexual division in practically all fields and categories. Women are over-represented in so-called elemental occupations, catering services and commerce, administrative jobs and professional technicians. Men are over-represented in qualified jobs, machinery jobs and management. In general, women are over-represented in less-qualified jobs.

Pay inequality between male and female workers exists in all age groups. Women receive on average €6,905 less than men (gross annual salary). Men's salaries progressively increase throughout their working life to a greater extent than women's. According to age group, women ages 35 to 44 have the highest salaries; from age 45 onwards, instead of progressively increasing as in the case of men, their salary decreases.

19. Taken from "Les dones en el mercat de treball a Catalunya."

In relation to working women, 17.36% earn less than the minimum wage (€641.40) compared to 7.52% of men. The income of 56% of women and 35.59% of men is less than half the minimum wage. On the other hand, we find that the number of men that receive from 5 to 6 times the minimum wage doubles that of women.

The unemployment rate is 20% in the case of men and 19.9% in that of women. Although this rate is apparently equal, we should take into account the fact that the active population of women is smaller.

Unemployment among young people ages 16 to 19 looking for a job and unable to find one is alarming; according to gender, the unemployment rate is 65.7% for men and 56.1% for women. Only 4 out of every 10 young people find work; and in the 20-30 age group, it is 1 out of every 3.

In relation to the unemployed population that receive benefits, there are twice as many men as women. One out of every three unemployed men receives benefits, but only one out of every four women. In the case of young people, 1 out of every 8 males receives benefits, while only 1 out of every 10 females does.

VALENCIA REGION²⁰

The social and labour results of 2014 regarding women's situation in the Valencian job market highlights the failure of the Government's austerity measures. Although apparently impartial, the application of these measures has had a strong gender impact, seriously affecting equal treatment and opportunities between men and women. This is demonstrated by the presentation of the data of the last three months in 2014.

- A decrease in the number of unemployed Valencian women of around 48,000, which amounts to a 15.1% decrease in the number of unemployed women. But this decrease does not involve a similar increase in female employment, since only 22,700 new female jobs were created.
- The decrease in female unemployment is due to a decline in the active population of 25,200 women, which is mainly explained by the following factors:

- the return of the foreign population to their places of origin or other destinations,
- the later incorporation of young people into the job market when because they decide to continue studying (active women ages 16 to 16 have decreased by 13,400),
- women around age 30 deciding to leave or abandon the job market; some of them interrupt their professional career due to a lack of policies reconciling work and family life, and promoting personal and social co-responsibility (active women ages 25 to 34 have decreased by 17,100).

- The following reasons for inactivity continue to predominate: "retirement or pre-retirement" status among men and taking care of "housework" among women.
- National Insurance membership increased in the last year by 55,000 people, 23,000 of whom were women. However, 12% of women still work in the informal economy in the Valencia Region, which amounts to 95,500 female workers.
- In the last year, 4,400 self-employed women had to close their businesses; this has mainly affected self-employed women in Valencia province.
- The number of female part-time workers in the region is increasing year after year; in the last year, 7,800 new part-time jobs were created in the case of women. Therefore, at present, three out of ten employed women work part-time. i.e. 33% of female workers. This rate of female part-timers has increased since the beginning of the crisis in 2008, when the figure was 26%.
- The decrease in the number of unemployed women has not resulted in a similar decline in women's unemployment rate, which has always been much higher than men's. However, recently they have converged upwards since men's unemployment rate has risen sharply. The current rates are around 23% in the case of men and 24% in that of women.
- Valencian women's average annual salary would have to increase by 36% to be on par with men's. This indicates that Valencian women have to work 131 days more per year to earn the same salary as men, for the same work or work of equal value.

20. Taken from "Situació socio-laboral de les dones al País Valencià, 2014."

EXTREMADURA²¹

The year 2014 was the first to record positive inter-annual job creation rates since the economic crisis hit our country.

The growth rate was faster in Extremadura than the national average, but we have to take into account that job destruction in 2012 attained inter-annual rates close to -15%.

An analysis of the evolution in 2014, compared to the Spanish average, shows that the positive tendency in the region's employment was accompanied by an important fall in the active population (and the working-age population). This reduction in the number of people actively seeking employment was greater (in percentage terms) than the Spanish average and, consequently, has resulted in a greater increase in the region's inactive population, with almost seven thousand more inactive people than a year ago.

Breaking down the data from a gender perspective reveals an important duality in the evolution of the figures during 2014 in Extremadura:

- The reduction of the active population in the last year mainly affected women: 8 out of every 10 people that became inactive were women.
- In relation to job creation: 94 per cent of employment created in 2014 was male.
- The number of unemployed women fell by 8,900 in 2014, but only nine hundred (10%) found a job, while the rest left the job market (active population). In the case of men, unemployment decreased by 15,000; 88% found a job and only 1,700 stopped looking for a job.

- Comparing these figures with the Spanish average shows that the tendency of the different variables is much more evenly-matched between both sexes. In fact, the active population decreased more among men (-162,300/-1.30%) than among women (-73,400/-0.69%) and employment resulted in an increase of 126,900 men (1.36%) and 78,300 women (1%).

This analysis of the last year should not make us lose the perspective of almost eight years of economic crisis, resulting in an important labour and social deterioration for the population of Spain and Extremadura:

- The unemployed population in Extremadura increased from 61,900 people in 2007 to a total of 150,100 in 2014, 143% more in relative terms. The average increase in Spain was 204%.
- In relation to employment, there are 61,000 employed people less than in 2007, which amounts to a 14.7% decrease, one point less than the national average.
- It is interesting to observe the tendency of job market variables in the second phase of the crisis from 2011 onwards: there has been a gradual decrease in the working-age population, especially in the last year, and therefore the active population is also beginning to lose weight in relation to previous years.
- As a result of these two determining factors, the unemployed population has increased in this stage but at a slower rate compared to the hardest phase of the crisis. However, there was an upward trend in all years since 2011 with the exception of 2014.

POPULATION AGES 16 AND OVER ACCORDING TO ECONOMIC ACTIVITY EXTREMADURA						
Both genders						
	Total	Active	Employed	Unemployed	Unemployed looking for 1 st job	Inactive
2013	917,5	513,7	339,7	174,0	13,8	403,8
2014	914,7	504,0	353,9	150,1	16,5	410,7
Annual variation	-2,8	-9,7	14,2	-23,9	2,7	6,9
%	-0,31%	-1,89%	4,18%	-13,74%	19,57%	1,71%

21. Taken from the document "Situation of the Extremadura Region's economy, job market and general budget, 2015."

The **active population** has experienced a positive variation in Spain during recent years, but with a downward tendency. At the end of 2012, the rates became negative, reflecting a highly deteriorated job market after so many years of economic crisis.

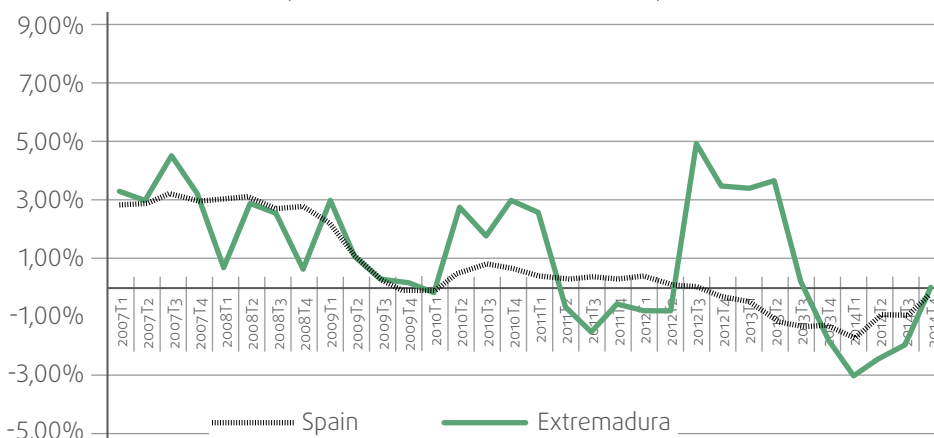
In the case of Extremadura, inter-annual rates reflected greater instability in the numbers entering and leaving the job market; we just have to look at the graph and observe the peaks showing the evolution for our region. Although we can say that since 2007 there has been an upward trend, it is worth highlighting the significant increase in 2010 in Extremadura (a lot higher than the Spanish average) that was maintained until the first three months in 2011. From then on, there were important increases before returning to a negative rate in the last three months of 2013, which was maintained during 2014 and was a lot lower than the Spanish average.

According to gender, women have generated most of the activity growth in Spain. This is also the case of Extremadura, although the evolution of the rates of inter-annual variation has been much more irregular than the Spanish average.

This zigzagging tendency of the active population that we see in the three-monthly evolution of the data in Extremadura has a lot to do with population movements or transfers between active or inactive status, with the latter assimilating unemployment status; this occurs as a result of the economy's production structure in Extremadura, with a strong presence of the agricultural sector that pervades the entire job market.

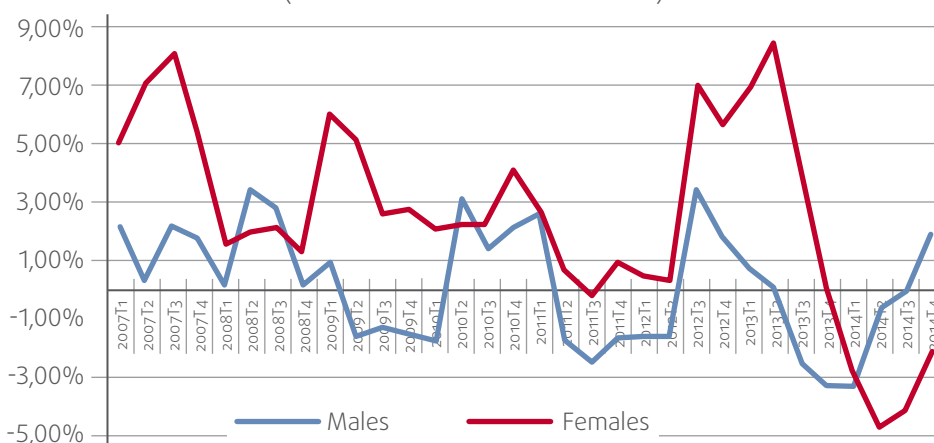
We can cite as an example the important increase of almost 9% in women's rate of variation in the third three-month period of 2013 with a precedent in 2012 (graph below), which is the result of seasonal activities that take place in summer and which decline in the following three-month periods, once again expelling women from the active population.

EVOLUTION OF ACTIVE POPULATION
(Rate of inter-annual variation in %)



Source: own preparation using EPA data

EVOLUTION OF ACTIVE POPULATION ACCORDING TO GENDER
(Rate of inter-annual variation in %)



Source: own preparation using EPA data

According to age group, the active youth population in Extremadura decreased during the crisis, especially in the last two years. Specifically, in 2014 more than six thousand young people under 25 were no longer included in the population actively seeking employment. Breaking down this figure according to gender shows that in 2014 the reduction affected both young men and women: the active population of young men under 25 decreased by 15.2% compared to 2013, while the decrease was 11.3% in the case of women.

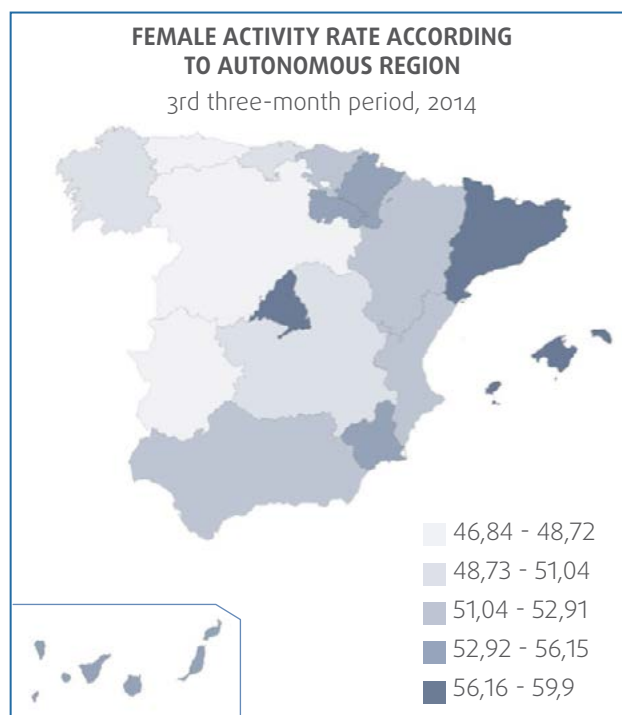
The graph below shows the tendency of the active population in 2014 (in absolute values), which enables us to visualise the important loss experienced by active women in the last year, while the case of men was much smaller and balanced (except in the case of young men). Attention should be given to the decrease in active women ages 25 to 34 and ages 45 to 54 in the region.

The **activity rate** in Extremadura has been increasing during the crisis, compared to a more level average Spanish rate. However, although the activity rate has sometimes exceeded 56% (from the second three-month period in 2012 to the third on in 2013) and has converged toward the Spanish average, there is still an important differential of just over four points.

Breaking down the activity rate data according to gender (annual average) shows, in the case of men, a downward tendency from the beginning of the crisis, with greater intensity than the Spanish average. Furthermore, the differential between the two spheres was reduced to 2 percentage points in 2014.

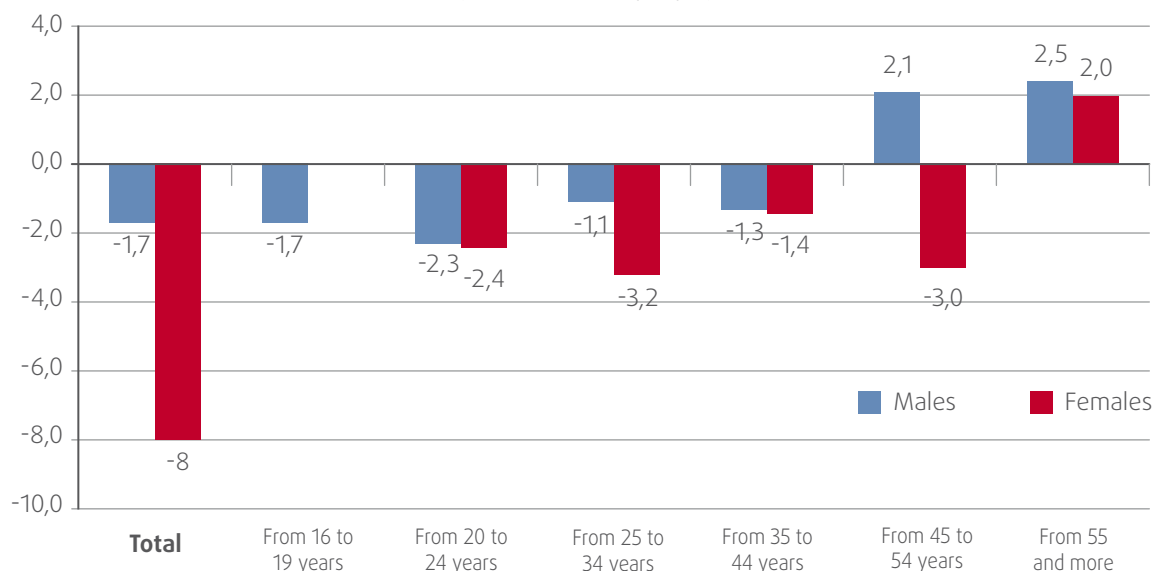
However, in the case of women, the rate grew fairly intensely, especially in Extremadura. In 2013, the differential with the average was reduced to 4.7%, but the important decrease in female activity in our region increased the differential once again to more than six points in 2014.

Comparing women's level of activity in the different autonomous regions shows that in Extremadura we have the lowest rate along with Asturias and Castile-Leon. On the other hand, the Madrid region and Catalonia are the ones that have the highest activity rate of all the autonomous regions.



Source: own preparation using EPA data

VARIATION OF THE ACTIVE POPULATION IN 2014 IN EXTREMADURA ACCORDING TO AGE GROUP AND GENDER
(in thousands of people)



Source: own preparation using annual EPA

In relation to the **inactive population**, within the downward tendency due to the levelling off of the working-age population and women's entry into the job market, in 2014 there was an increase of almost seven thousand people as a result of the decrease in the active population.

In relation to main type of inactivity, there was a noteworthy increase among non-pensioners receiving benefits (+6.54%) and students and those doing housework with a 5.5% rate in both cases.

Breaking down these figures according to gender, this increase mainly took place among women (6,500 more compared to the previous year) and of this total, 5,100 cited "housework" as the main cause of inactivity.

Of the total amount of inactive women over 16 in Extremadura, 45.2% are inactive due to what the Active Population Survey (EPA) calls housework, compared to the Spanish average of 38.4%. In the case of men, the most common cause of inactivity is retirement, accounting for 57% of total inactive ones (Spanish average is 60.2%).

Economic sectors: According to sector, construction has accumulated more than 33% of job destruction, with 12,500 less workers. Only agriculture increased during the period, mainly due to the good results of 2014.

In relation to the results of 2014, it is worth mentioning, apart from the important increase in agricultural employment in our region, the increase in the number of people employed in construction compared to the negative rate of the Spanish average.

Workday: In 2008, when the employment rate decreased 1% in our region, 88.2% of the working population worked full-time. It is also worth highlighting that seven out of ten were men, resulting in an important gender imbalance in this type of contract. By 2014, this percentage had fallen to 84.7%, showing that the entire loss of employment during the crisis has taken place in full-time contracts.

Since 2008, the year when jobs began to be destroyed, there has been a continuous reduction in full-time employment, which was particularly intense in 2009 and 2012. Accumulated data shows that there is a total of 64,000 full-time workers less than when the crisis began.

A positive aspect of the situation in 2014 is a change of tendency resulting in full-time employment absorbing the year's entire increase. We will have to verify if this tendency was an exception or if it will continue, since it plays an important role in job market recovery.

Employed population, entrepreneurship and the public sector:

Of the total employment destroyed in the last three years, 85% was among employees. Although wage-earning employment was the one with the biggest decrease in percentage terms, the working population also decreased among the self-employed at an accumulated rate of 3.85% from 2011 to 2014.

Within the total wage-earning population, the public sector experienced a much greater loss than the private sector. Specifically, there was an 11.4% decrease in the last three years compared to 2.7% in the private sector.

On the other hand, in 2014, although almost eight out of ten new active ones were employees, the variation in percentage terms reveals greater growth



Source: own preparation using annual EPA data

intensity in self-employment that year. A negative aspect that is also worth noting is the fact that public sector continued to destroy employment in 2014 with three thousand employees less, while the private sector grew by almost eight per cent compared to the previous year.

Breaking down the data according to gender shows that female self-employment is the reason why there has not been a greater loss of active population among women, since it increased 11.22% between 2011 and 2014. On the contrary, in the last three years public-sector female employees decreased by almost 15%, double that of male ones.

Temporary employment: The adjustment from full-time to part-time employment in Extremadura during the last four years has mainly affected women, with a decrease of almost 17% compared to 11.8% for men.

In 2014, although there was a recovery of permanent employment, most of the increase took place among part-time workers, with an almost 6% increase. Breaking down this data according to gender shows that the increase only affects men and at a more intense rate than the national average.

High unemployment and long-term unemployment rates: Extremadura's unemployment rate during the crisis years has **exceeded 35%**, which means that more a third of its active population is not working.

In view of a more precarious and unstable job market due to the region's production structure, the case of women is especially significant. Despite the strong component of male segregation in job destruction during this crisis, both women's access to the job market and labour insertion will be a key element in the future; balancing women's presence in the job market will result in a reduction of regional unemployment, due to the important structural duality that is present at different moments of the economic cycle and which will require greater effort for our region.

MADRID²²

In relation to active population, women account for 49% of the active population and men 51%; despite this, the active rate continues to work stubbornly against women, with a 10.4-point difference with men. Although the evolution has been positive since 2010, important differences still exist. Madrid's active population is also unequal. In the Madrid Region, there are 66,820 employed women less than men,

despite being more numerous in population. The differences are getting smaller, one reason being the growth in male unemployment during 2014.

The employment rate is 68% for men and 62% for women, which in 2014 resulted in 6,150 less employed women than men.

According to age group, the employment rate is not evenly distributed; although under-30s women are the ones with the highest employment, in all the other age groups men exceed women. The 55 to 65 age group is the one with the biggest difference, with men having a 50% employment rate compared to 46% for women, i.e. 13 points less.

Men's and women's unemployment rates were practically equal in the 3rd three-month period in 2014, due to the loss of female and, mainly, male jobs, as well as the incorporation of inactive women into the job market.

The employed population in the private sector is practically equal between men and women. In the public sector, women's presence is still higher (54%). In relation to workday, women account for 45% of part-time workers, which means 247,400 less female part-time workers than male ones in the Madrid Region. The part-time population is still mainly female (74% compared to 26% for men); part-time work is still not a freely chosen option.

The average salary in the Madrid Region is higher than the national average for both men and women. Women's average salary is €22,841, although more than half of working women earn less than €18,595. There is a 27% gap in the Madrid Region, i.e. women's salary would have to increase by 27% to be on a par with men's, and this gap is higher (41%) among the population with the lowest salaries.

22. Taken from "Socio-labour report on working women in Madrid, 2015."



ANALYSIS OF COLLECTIVE BARGAINING CONTENT

Collective bargaining is the instrument used by workers, directly or by means of their representatives, to establish a dialogue with employers regarding their working conditions.

The right to collective bargaining is included in the Spanish Constitution that states, in Art. 37.1, *"the law guarantees the right to Collective Bargaining among workers' representatives and employers, as well as the binding force of agreements."*

The fourth section of Art. 17 in the Workers' Statute states that *"collective bargaining can establish affirmative action measures favouring women's access to all professions. To that end, it may establish reserves and preferences in hiring conditions so that, in equal conditions of suitability, preference is given to hiring persons of the least-represented gender in the corresponding group or category. Collective bargaining can likewise establish this type of measures in professional classification, promotion and training measures so that, in equal conditions of suitability, preference is given to hiring persons of the least-represented gender to favour their access to the corresponding group, professional category or job."*

It is worth noting that collective agreements have to include specific and efficient measures and not merely declarations of intent or generic proposals. Conventional clauses can also be included to incorporate affirmative action in relation to: job offers, selection processes or access to hiring. And collective agreements should link training to the promotion of female workers and establish all type of measures that are especially aimed at women's promotion.

In order to identify the type of measures that are included in collective agreements, we analysed the contents of different agreements at different levels: state, autonomous region, province and/or company. This analysis is not exhaustive but it does show us how these measures are included in the agreements' text.

COLLECTIVE AGREEMENTS

An analysis of agreements reveals the existence of situations that, while apparently neutral, may produce differences within companies and affect women regarding access, classification, promotion and/or training, which are all areas that influence wages; this analysis likewise highlights the existence of salary bonuses, whose concession may hide discrimination.

This study analyses several state agreements and their application in the corresponding autonomous regions. Women account for 90% of employment in the services sector and 7% in industry; the choice

of employment sectors was made according to the table of Employees according to gender and activity branch (CNAE2009), selecting the sectors with the greatest and least presence of women.

The agreements analysed have to do with department stores, cleaning premises and buildings, glass and ceramics, and paper and cardboard. These state agreements were compared with agreements at lower levels, in order to detect any differences to prove the starting hypothesis.

Due to the limited number of agreements analysed, they cannot be considered a representative sample but can become a wake-up call for those participating in bargaining processes.

The content of these agreements was based on a file negotiated by a work group. This file highlights the existence of different contents appearing in the agreements, which indicate that equality is not a consolidated matter therein.

Review of state agreements

This review is based on different aspects that are considered to have an influence on salary differences.

In the case of the sectorial agreement for cleaning buildings and premises, it contemplates as exclusive bargaining matters the structure and concurrence of collective agreements, replacement of personnel, disciplinary regime, professional classification, employment training, types of contract, trial period, equal treatment, risk prevention, with the following being left as negotiable matters in provincial or regional agreements: basic wage and salary bonuses, payment and compensation of overtime, salary structure, non-salary remuneration items, reconciliation, workday, promotion...

■ SALARY BONUSES

The state agreements for *pastes, paper and cardboard* and the state agreement for *glass and ceramics* contain different bonuses such as seniority, nightshift, toxicity bonus, compensation for continuous workday, attendance bonus, extra month's salary, Sunday and public holiday bonus....

The state agreement for *department stores* has three bonuses:

- *Personal bonus derived from working conditions;*
- *Job bonus that results from the characteristics of the job or the way that it is carried out; and*
- *Bonus for quality or quantity of work: due to better quality or more quantity of work, or based on the company's situation or profits.*

None of them indicate the criteria governing the concession of the bonus.

This agreement contemplates other bonuses such as seniority, job bonus (danger or toxicity) and job status bonus (negotiated with the workers' legal representatives and non-consolidable).

The 1st Sectorial agreement for *cleaning buildings and premises* specifies that remuneration is regulated by Sectorial, Provincial and Regional agreements, as well as company agreements and workplace pacts or agreements.

a) Equal pay clause

No such clause exists in any agreement but there are references to equality:

Only the *state agreement for glass and ceramics* refers to pay equality, establishing that *"the employer is obliged to pay equal pay for work of equal value"*; it also establishes the use of the masculine gender as a grammatical convention.

This clause is used in this agreement and that of department stores to determine the obligation to negotiate equality plans in companies with more than 250 employees and establish a sectorial equality commission.

The agreement for pastes, paper and cardboard establishes equal conditions in promotions, specifying that *"seniority will be considered as preferential merit in equal conditions."*

In this clause it is noteworthy that, in equal conditions, seniority is used to decide rather than the selection of the least-represented gender, unless it is considered that only persons of the same gender will opt for promotion.

The *sectorial agreement for cleaning buildings and premises* contemplates an article on "Equal treatment and non-discrimination." This article features different general principles for guaranteeing non-discrimination of male and female workers. These principles are centred on affirmative action aimed at hiring, on favourable criteria in *"the hiring, training and promotion of the least-represented gender in the corresponding professional group"*; and quotas to attain a more balanced distribution in posts of responsibility. There are references to equality plans and their content, as well as prevention of harassment.

One of the general principles refers to *"establishing criteria for converting temporary contracts into permanent ones that favour the under-represented gender, in equal conditions and merit; women are affected more than men due to their level of temporary contracts."*

This principle reveals a lapse, in which it recognises that women are the ones that have higher levels of temporary contracts in the sector.

b) Work time

Annual work time ranges from 1,744 hours in the agreement for pastes, paper and cardboard to 1,798 hours in the agreement for department stores. The agreement for glass and ceramics indicates that *"during the validity of the Collective Agreement, the effective annual work times below will be respected ad personam."*

c) Contracts

The state agreement for pastes, paper and cardboard is the only one that expresses concern for the population sectors that find it difficult to obtain employment, mentioning women among them.

d) Training

All agreements have a training-oriented article, with generic content that refers to the National Ongoing Training Agreement.

e) Promotion

The agreement for pastes, paper and cardboard establishes that all promotions will be carried out by means of an exam-based selection process based on objective systems, with the exception of professional groups 10 to 14 and Certified Technicians, who will be freely designated by the company.

It states that all of the Company's personnel will be entitled, in equal conditions to preference in order to fill existing vacancies in any of the groups and sections making up the industry of pastes, paper and cardboard.

In the *agreement for department stores*, professional promotion is carried out in different ways according to the group in question:

1. Free designation, a system reserved for the group of managers and technicians.
2. Exam-based selection process or ongoing evaluation for the professional group of coordinators.
 - 2.1: In the exam-based selection process, merit is calculated according to seniority, qualifications, knowledge of job, professional record and managers' evaluation, functions carried out in the group, capacity for coordination, training course attendance and profitability, exams and evaluation.
 - 2.2: Ongoing evaluation is the evaluation of theoretical and practical knowledge acquired by the worker while fulfilling the responsibilities entrusted to him/her; this evaluation will be based on objective criteria such as seniority, training course attendance and profitability, professional goals reached by means of experience, quality and quantity of work carried out, teamwork skills, capacity for coordinating persons and tasks...
3. Work experience with evaluation: Promotion from basic personnel group to group of professionals.

None of these agreements include affirmative action aimed at promoting women.

The situation is different in the agreement for glass and ceramics, which is the only one of those analysed that establishes affirmative action in this section: *"In equal conditions, promotion will be attributed according to the following order of priorities:*

- *The person of the least-represented gender in the professional level at the workplace;*
- *The person of the least-represented gender in the company."*

Agreements in Asturias

In Asturias, we analysed a cellulose company agreement and the Collective Agreement for Cleaning Buildings and Premises Sector in Asturias.

■ CELLULOSE

This agreement does not include equality measures in its different articles. Appendix VII features the company's equality plan. The plan's content contradicts some of the agreement's articles.

a) Access to the company

Article 6.9 of the agreement

New company staff require a grace period in order to attain the maximum potentiality of their aptitudes. To that end, there is a period of training and adaption to the job, the organisation, the working system, the regulations and procedures until the new staff master their job. Therefore, the new staff at the Centre of Operations will start at the entry level/step and job and will receive, during their first years, the following percentages will regard to salary items (Basic Salary, Salary Bonus I, Salary Bonus II, Production Bonus, Holiday Compensation) corresponding to their job:

During the first year: 80%

During the second year: 85%

During the third year: 90%

During the fourth year: 95%

After seniority of five or more years, 100% of the corresponding remuneration will be received.

Seniority will be calculated by adding the different periods during which services were provided.

The content of this article is discriminatory against new employees; according to this article, it takes 5 years to master the job, which means that 100% wages are not received on entering the job. This situation could get worse in the case of a woman who, during this period, was forced to request a reduced workday.

In the plan regarding selection, promotion and development "job offers will be based on information according to objective characteristics of the job and its demands and conditions." The remuneration system described in the agreement's Article 6.9 is a condition of the job and may discourage both men and women, with the added effect mentioned above in the case of women.

b) Promotion

Article 6.13.

The jobs included in levels M and N and all qualified technicians will be freely designated by the Company. The jobs in the other groups will be made available when nobody among the Company staff has passed the corresponding exams.

Article 6.14.

The Company is obliged to notify the Workers' Committee regarding exam-based selection processes for new vacancies and promotions, at least ten days before the exams are to be held, as well as publicise such on the Company's information boards.

Article 6.15.

All Company staff, in equal conditions, will be entitled to preference in order to fill existing vacancies in any of the Company's groups and sections.

... In relation to promotions, seniority will be considered an element for increasing the grade obtained in the exam, calculated as 0.05 points per year of seniority up to a maximum of 1 point; it will likewise be considered as preferential merit in equal conditions.

Once again seniority is used to decide in situations of equal conditions, as well as affecting the results of the exam. In the case of a women opting for promotion, seniority will often be a discriminating factor, since this agreement refers to a highly masculinised sector.

In relation to promotions, the plan indicates that the company promises to apply *"objective procedures and policies based on the principle of merit and capacity and person-job appropriateness, evaluating candidacies on the basis of suitability."*

"The Company will study the design of policies that help and support... the promotion of women in those areas, levels or functions in which they are under-represented."

This is a plan that does not include measures aimed at attaining equality in the company; in the case of promotions, it mentions a series of actions that are not developed, it indicates the design of policies for promotion when applying the affirmative action of, in the case of equal capacity and merit, selecting the person of the least-represented gender could be implemented. We cannot overlook the fact that within the agreement, seniority becomes a determining factor when it comes to promotion.

■ AGREEMENT FOR CLEANING BUILDINGS AND PREMISES IN ASTURIAS

In this agreement, Article 42 establishes the need for adopting measures aimed at avoiding any labour discrimination between men and women; it establishes the obligation of negotiating equality plans in companies with more than 250 workers. It does not contemplate affirmative action in the articles on access, promotion and training.

Agreements in Catalonia

In Catalonia, the selected agreements refer to a paper company and to regional agreements for commerce and cleaning premises and buildings.

■ PAPER AND CARDBOARD FACTORY

This agreement includes an article on *equal opportunities* that establishes the principle of equal access and professional qualifications regarding all jobs; this includes affirmative action in hiring, training and promotion so that, in conditions of equal suitability, preference will be given to the persons of the least-represented gender in the corresponding professional group.

This agreement includes two articles on access to the company; one is called **new employees**, which specifies that *in the case of vacancies, preference will be given to orphans of workers belonging to the staff and ex-workers that had been hired with temporary contracts*. The said article does not mention the affirmative action indicated in the article on equality.

And a second article called **hiring**, which highlights concern for population sectors that find it difficult to obtain employment, specifically mentioning women and establishing the need for promoting the hiring of such groups according to the equality terms mentioned in Art. 64.

Promotion:

Promotion takes into account the *worker's training and merit in harmony with the following circumstances: academic evaluation or suitable qualifications (where applicable), knowledge of the job, experience in carrying out the functions of the superior category or professional group, responsibility and performance in the job and professional record*.

In this case, it is not indicated who will be the ones responsible for this evaluation; the same article states that *in promotions of labour belonging to levels 19 to 10, the committee will be informed in advance about vacancies and candidates*.

In relation to training, the agreement adheres to the inter-professional agreement of Catalonia.

■ REGIONAL AGREEMENT FOR CLEANING BUILDINGS AND PREMISES

In this agreement, promotions to certain posts are decided solely by companies: management and technicians, administrative manager, general manager, supervisor.

In the case of other administrative personnel, intermediate managers and the personnel of miscellaneous trades, an exam-based selection process will be used with equal evaluation of aptitude, training and seniority in the company.

Vacancies in the specialist category will be covered according to seniority, after an aptitude test, evaluating the training of specialised labourers and that of the latter, among male and female cleaners.

Within auxiliary staff, the post of bellboy will be covered according to seniority; when there are no vacancies, bellboys can remain in the same category receiving 80% of the difference regarding the salary of porter.

This agreement mentions the establishment of an equality commission within the parity commission, with the objective of establishing the terms and agreements that companies should follow in preparing equality plans.

■ COMMERCE AGREEMENT IN CATALONIA

The only mention that this agreement makes regarding equality is found in the final clauses, in which the first one mentions the principle of pay equality: *the employer will pay, for work of equal value, the same salary or non-salary remuneration, either directly or indirectly, without any discriminating due to gender in any of its elements or conditions.*

Agreements in Murcia

■ AGREEMENT FOR CLEANING PREMISES AND BUILDINGS

This declares that it is especially governed by the principle of effective equality between men and women developed by Organic Law 3/2007, whose provisions are considered an essential interpretive reference for this collective agreement.

It claims that it will pay special attention to the fulfilment of equal opportunities between men and women in access to employment, professional promotion, training, job stability and equal pay for work of equal value.

It also stipulates that companies with more than 250 workers will prepare and apply an equality plan, which should be negotiated with the workers' legal representatives; it determines that the diagnosis has to be implemented in the first year after the agreement is published in the region's official bulletin.

The additional dispositions mention the establishment of a gender equality commission to analyse and rule on any case that may be brought before the said commission.

Article 19. Basic salary.- *Basic salary is that which is specified for the different categories in the attached wage scale.*

In the scale, professional categories are expressed in both masculine and feminine, although the agreement's text mostly uses the masculine as the generic case.

Article 21. Variable productivity bonus.- *There is a variable productivity bonus that will be paid with the salary of January, taking into account that it will be calculated according to the previous year's absenteeism. This bonus will amount to 360 euros.*

The variable percentages will be distributed individually according to regular or continuous attendance at work. A proportional part will be deducted from this percentage according to the days of work not fulfilled for any reason (3.5% per day), except for the following: holidays, temporary disability due to an accident at work, surgical operation or hospitalisation, maternity or paternity, union leaves and hours, and special leaves of absence.

In this regard, it does not specify temporary disability due to a high-risk pregnancy, childbirth preparation classes, accumulated breastfeeding (neither does the agreement include the right of accumulation) and it refers to Article 37 in the case of unspecified leaves.

This bonus is for full-time work; part-time workers receive a proportional part according to the number of hours worked.

Women are generally those who work part-time to take care of family members, which has a direct impact on this bonus.

Article 23. Transport bonus.- *There is a transport bonus for full-time workers, which is determined in the attached salary appendix and will be paid in proportion to the number of hours actually worked. The days absent from work will be discounted in the corresponding proportion. This bonus will not be paid in the case of temporary disability or unjustified absenteeism from work.*

In case of a workplace accident, hospitalisation or surgical operation, 100 per cent of the bonus will be received during the first three months. The bonus will amount to 43 euros in 2011 and 46.91 euros in 2012 and 2013.

This bonus, as in the productivity bonus above, does not contemplate maternity, paternity, high-risk pregnancy or breastfeeding; in fact, it penalises breastfeeding by referring to the "number of hours actually worked." The bonus refers to full-time workers; it is not clear if part-time workers can receive it since it is paid in proportion to the number of hours actually worked. The bonus is reduced for persons that work less hours, but the return trip to the company costs the same for workers regardless of whether they work part-time and/or less hours.

Article 24. Attendance bonus.- *There is an attendance bonus for full-time workers, which is determined in the attached salary appendix and will be paid in proportion to the number of hours actually worked. A National Insurance contribution is deducted from this bonus.*

In relation to his bonus, also for full-time workers, it is not clear if part-time workers can receive it just like the previous one, since it also refers to "number of hours actually worked," which would reduce it in the case of working fewer hours.

Article 25. Commitment bonus.- *There is a commitment bonus for full-time workers, which amounted to 6.50 euros per month in 2011, in order to reward the workers' commitment to the Sector and is paid in proportion to the number of hours actually worked. A National Insurance contribution is deducted from this bonus. The bonus will amount to 13 euros for the years 2012 and 2013.*

This commitment bonus is for full-time workers and will be paid in proportion to the number of hours actually worked; in this case, we can assume that women will again come off worse.

Article 26. Food market bonus.- *This bonus, which amounts to 6% of the basic monthly salary, is established for full-time workers during the years that this agreement is in force; it applies to workers in meat-processing industries, slaughterhouses, fish-processing and fish-salting industries, and in food markets... In the case of full-time workers, it will be paid in proportion to the number of hours actually worked.*

This bonus can be said to be exclusively aimed at women, who are mainly the ones that clean the places described above. In this case, it also applies to part-time workers.

Article 27. Bonus for toxic, difficult and dangerous work.- *This bonus consists of 20 per cent of the basic salary for all workers that provide services in public hospitals dependent on the Murcia Health Service or the Autonomous Region of Murcia, geriatric residences and public mental hospitals and medicine and veterinary science faculties. This bonus compensates such workers for dangerous, toxic and difficult work related to their jobs... Full-time workers will be paid in proportion to the number of hours actually worked.*

We can affirm that this bonus affects mainly women, who do most of the cleaning work in the cited institutions.

Article 36. *Income and promotion.*- In relation to permanent vacancies, two out of every three posts are covered exclusively by personnel that had previously had part-time contracts in the company. It is likewise indicated that increases in work time will be covered by workers that do not work full-time according to criteria of seniority.

Both measures can be considered to be mainly aimed at women, since there are generally more women with temporary contracts and in part-time work.

In relation to training, the signatories point to the application of the National Ongoing Training Agreement in force..

■ OMMERCE AGREEMENT IN THE MURCIA REGION

It does not include any clause or affirmative action regarding equality between men and women.

In the wage scales, professional categories are expressed in masculine and feminine, although the text of the agreement mostly uses the masculine in a generic sense.

Agreements in Castile and Leon

■ PROVINCIAL AGREEMENT FOR CLEANING BUILDINGS AND PREMISES

Article 11 confirms the fulfilment of any guarantees *ad personam* that may exist.

This agreement adopts a series of general principles regarding non-discrimination and equal treatment in companies, including the following:

1. Preference for the entry of the least-represented gender, without detriment to the merit and suitability of other workers.
- 2.- Establishing criteria that favour the hiring, training and promotion of the least-represented gender in the corresponding professional group.
- 3.- Establishing criteria for converting temporary contracts into permanent ones favouring the least-represented gender, in equal conditions and merit; women are affected more than men as regards the number of temporary contracts.
- 4.- Studying and, where applicable, establishing selection, classification, promotion and training systems on the basis of technical, objective and gender-neutral criteria.
- 5.- Establishing quotas in terms of percentages of men and women in order to attain a more balanced distribution in posts of responsibility.
- 6.- Establishing that absences due to maternity do not count against female workers when it comes to receiving certain bonuses (commitment, attendance...) and some salary bonuses that

may be a source of discrimination (availability, seniority...).

7.- Including an equality module in the company's annual training plan.

8.- Determining general equality objectives to be attained by the company: subjects, phases, deadlines and basic structure of the plan.

...

The first four points are based on the introduction of a series of criteria to be prepared by the different companies' negotiating committees. It would have been more practical to prepare a series of minimum criteria to make the companies more homogeneous, as well as indicating the introduction of affirmative action so that, in conditions of equal capacity and merit, the person of the least-represented gender in the corresponding professional group or category would be selected. The fifth point should have established quotas, as well as drawing up a more suitable text by indicating "to attain a balanced distribution." Point 7 mentions the introduction of an equality module in the annual training plan but does not indicate in which training it will be included. Point 8 is incomprehensible as a general principle against discrimination.

Article 46. Promotion.- The categories of Directors, Technicians, Administrative Managers and Foremen/Forewomen will be covered, on the part of companies, from among those who have the required qualifications or aptitudes. There is no mention of respecting, since they are posts of responsibility, the general principle of applying quotas to attain a balanced distribution in such posts.

In the case of the other categories, candidates from the workforce will be examined and, in the case of equal grades, the person with the most seniority will be promoted. Seniority is not a very gender-neutral criterion..

Company agreement

Article 24, Promotion due to change of job, which will be carried out using certain aptitude tests; in cases of equal results, preference will be given in occupying the vacancy to the person with most seniority in the Department,... or, if equal, in the factory.

Once again, the determining factor for promotion is seniority. There is no other mention of equality in this agreement's articles..

Equality plan

This company has an equality plan that was negotiated in 2009. In the company description, it indicates that only 8% of the workforce are women. The access measures indicate that the selection of candidates employs selection procedures based on required knowledge, attitude, abilities and skills, for the diffe-

rent jobs. The correct measure would be specifying which procedure will be followed.

In the other areas, the proposed measures do not make clear what actions will be carried out to attain the incorporation and promotion of women in this company.

Agreements in the Valencia Region

■ PROVINCIAL COLLECTIVE AGREEMENT FOR COMMERCE AND MANUFACTURERS OF FLAT GLASS.

The only reference that this agreement makes to equality is in an additional disposition, which indicates that a summary of the most outstanding Dispositions of the Organic Law on the effective equality between women and men and of Law 39/99 will be publicised, in order to promote the reconciliation of work and family life among female employees.

■ PROVINCIAL AGREEMENT FOR CLEANING BUILDINGS AND PREMISES

In the definition of professional categories, the only one that appears feminised is that of cleaner.

Article 43, Equal treatment and opportunities, indicates that two general objectives are established:

En el artículo 43 Igualdad de trato y oportunidades, se indica que se establecen dos objetivos generales:

- Establishing guidelines as regards the preparation, structure and procedures of equality plans, with the objective of attaining the optimum management of human resources that avoid discriminations and provide real equal opportunities, based on permanent social dialogue.
- Attributing to the Parity Commission the powers that are indicated below, so that it can work effectively as regards equal treatment and opportunities in the workplace.

These points are developed; in relation to equality plans, it is indicated that the diagnosis will be carried out by the company, which will inform the workers' representatives, so that they can issue the corresponding report.

As expressed at the beginning, equality is not an aspect that is present in the agreements. As this small selection of agreements shows, the existence of clauses aimed at eliminating inequality between men and women is minimum, in both sectorial agreements (regardless of their level) and company agreements. It should also be mentioned that equality plans do not always establish specific measures favouring the presence of women in companies.

We have also seen how seniority has become, in several agreements, the criterion used to decide be-

tween equal candidates in different selection processes for promotion.

IN SUMMARY

An analysis of the selected agreements shows that equality still has a limited presence in collective bargaining. In addition to this analysis, there is the monitoring of collective agreements published in the Official State Bulletin (BOE) in 2014, prepared by the Confederal Secretariat for Women and Equality. The objective of this analysis is ascertaining whether affirmative action or equality measures are being included in agreements. We also analysed whether the negotiation of equality plans is included in the agreements.

During 2014, 137 agreements were published in the Official State Bulletin, which can be divided into 116 company ones and 21 sectorial ones. We differentiate between both types of agreement because 1) they affect two different realities and 2) they enable us to visualise how the Organic Law on Equality (LOI) is implemented in each field of negotiation.

Monitoring affirmative action was centred on verifying if this is included in agreements regarding the fields of hiring, training, promotion and salary. The result is that this type of action is not usually present in the texts of agreements; in fact, we identified 10 actions related to hiring, 16 in the area of promotion, 11 in training and 10 in salary.

Company commitment to equality: This section includes agreements whose articles expressly include the company's commitment to the equality law. In total, commitment to equality is reflected in 56 agreements (40% of the total), mainly in company agreements.

Equality plan: In total, 88 agreements (72 company ones and 16 sectorial ones) mention that the equality plan "will be negotiated."

EQUALITY PLANS

The Organic Law for Effective Equality between Men and Women (LOIMH) is one of Spain's most important legal instruments and, as the name of the law indicates, one of its main objectives is implementing the right to equal treatment and opportunities between women and men. This objective recognises, at least in part, what is stated in the reasons given for the law: formal equality has proved to be insufficient in combating gender inequalities. In fact, Section II of this statement declares that "*perfect equality, admitting no power or privilege on the one side, nor disability on the other*" (John Stuart Mill) is still an

unattained goal.

The law regulates all spheres of society, including specifically the workplace: by means of establishing measures in all companies and equality plans.

The presence of plans in the Equality Law

Article 46 of the LOIMH on concept and content of equality plans, highlights that "*equality plans in companies are an organised series of measures, adopted after diagnosing the situation, aimed at attaining equal treatment and opportunities between men and women in the company and eliminating gender discrimination.*"

Equality plans will establish the specific equality objectives to be attained, the strategies and practices to be adopted to that end, as well as the establishment of efficient systems for monitoring and evaluating the established objectives."

Analysing the content of this article shows that an equality plan, in order to be considered as such, should be based on a diagnosis providing a clear and complete vision of the personnel's working conditions according to gender, resulting from an analysis of the data and conclusions drawn from the contents of the current collective agreement, as well as the internal regulations or agreements on specific matters, which are applicable to the company and do not form part of the conventional text.

The results obtained from this diagnosis will enable us to:

1. Identify the situation of men and women in the company, their inequalities and possible discriminations;
2. Set defined objectives, as well as the actions to be carried out to attain such objectives;
3. Establish systems for monitoring and evaluating such actions, setting a calendar in which the priority of the actions is determined.

Furthermore, this same article specifies the matters that can be included in the plan: access to employment, professional classification, promotion and training, remuneration, organisation of work time to favour the reconciliation of work and family life, and prevention of sexual harassment and gender-based harassment.

From the denial of salary discrimination to the absence of data

Salary discrimination exists "*when a man and a woman have the same productive characteristics, the*

same qualifications, capacities and experience, and the latter receives a smaller salary for doing the same job, or when a man receives an equal or larger salary than the latter, having less productive attributes" (Peinado, María Amalia, 1988: 43); i.e. when salary inequalities are justified by a person's gender.

Salary differences are derived from the configuration of the professional classification system, which can in turn be determined by the method of job evaluation used (García-Perrote, Ignacio y Mercader, Jesús Rafael, 2007).

Despite these assumptions, some companies continue to deny salary discrimination and/or simply do not deal with it:

"A study of salary data according to category shows that there are no differences between men and women; any differences that may exist between persons in the same category is due to different variable items that are also included in the Agreement..."

When this type of declarations is included in equality plans, company agreements..., we are overlooking the fact that salary inequality can be analysed according to the components of men's and women's salaries, apart from taking into consideration other determining factors such as promotion systems, leaves of absence, professional classification, types of workday, overtime...

The basic salary is the main salary component, in both men and women. Salary bonuses are the other important component in monthly income, in which a greater pay gap is detected than in that of basic salary, accounting for more than a third of men and women's gross salary; i.e. bonuses explain an important difference.

Therefore, by taking action on bonuses, on their definition and aspects of the work they pay for, on their objectivity and discretionary nature, we will be impacting the main component of salary inequality between men and women.

EQUALITY PLANS IN COMPANIES

In order to carry out this analysis, we used the plans recorded in REGCON in the period 2012-2014 and which contemplate a section on remuneration. After carrying out this selection, we worked with a series of 30 plans, which belong to state and regional companies. In addition to the contents of these plans, there are also opinions by male and female delegates on negotiating contents and processes.

a) Remuneration

a.1) On the diagnosis

All the equality plans being analysed mention carrying out this diagnosis. The difference lies in who assumes the responsibility for carrying out such diagnoses. Two cases indicate that the diagnosis was carried out by the company management and, in one of them, then presented to the equality commission for its ratification.

When the company carries out the diagnosis, without the participation of the workers' legal representatives, their validity and reliability are called into question.

"The diagnoses that are carried out are very general."

"Us? The diagnosis is very general, they do not provide specific data because this would highlight all the negative information of all aspects."

Twenty-six per cent of plans included a brief summary of the diagnosis. Two cases provide information on the personnel's union membership, as well as the professional categories to which they belong within the company; this information is not important when it comes to introducing equality measures. In one case, partial retirement is considered a type of workday, when partial retirement consists of an agreement between the employer and the worker so that the latter can reduce his/her workday and salary and, at the same time, obtain pensioner status, as long as all retirement requirements, except age, are fulfilled.

It is clear that some diagnoses collect information that is not directly related to the reasons for carrying them out and others mix in information that is not useful when it comes to establishing objectives and measures.

In 74% of the cases that make up this sample, the content of the company's diagnosis is not included. To begin with, information that is per se one of the equality plan's objectives is hidden: providing personnel with information that may highlight the existence of inequality.

"the main thing that catches my attention is the opacity that exists in the matter of remuneration."

This also makes it difficult to introduce measures and evaluate them to see if the adopted measures are appropriate and/or sufficient, as well as being able to ascertain and discuss whether the diagnosis contemplates all existing inequalities. As Teresa Pérez del Río (2007: 271) points out: *"this prior requirement is inescapable for plans to be efficient."*

The fact that a unified/negotiated model for carrying out the diagnosis does not exist has given rise to di-

fferent models, which do not always collect meticulous information that can be broken down. This hinders the introduction and subsequent development of equality plans. In harmony with this, not knowing which information was used to carry out the diagnosis also prevents us from knowing if it has been used appropriately.

In relation to the reviewed plans, 26% (6 plans) include a summary of the diagnosis with the following observations:

- Two plans diagnose remuneration according to pay band.

The use of such pay bands indicates the number of people that are included in this band; ascertaining whether a pay gap exists requires itemising salaries as well as analysing which posts and categories are occupied by women and men, ascertaining the functioning of promotion processes and access to the company.

- The other four plans do not provide data, being limited to specifying that salary discrimination does not exist. We cannot overlook the justifying text included in one of them: *"Studying the salary data according to category shows that there are no differences between men and women; any differences that may exist between persons of the same category are due to different variable items that are included in the agreement and are applied to each person..."*

The opinion of the workers' legal representatives is different:

"... the problem we come across when it comes to analysing the diagnosis is the fact there is a lot of opacity as regards salary bonuses that are included in the classification or wage scale. The company does not provide this information about salary bonuses that are paid in the company, which means that it is sometimes difficult to quantify the pay gap."

"Pay gap? Until I am given a breakdown of the salary bonuses I cannot carry out a complete diagnosis and, therefore, I cannot suggest measures."

The importance of ascertaining salary bonuses lies in the fact that these explain an important part of the pay gap.

a.2) bjective and measures regarding remuneration

Article 45 of the LOIMH declares tha

"1. Companies are obliged to respect equal treatment and opportunities in the workplace and, to that end, they should adopt measures aimed at avoiding any type of labour discrimination between men and women, measures that can be negotiated and, whe-

re applicable, agreed with the workers' legal representatives in the way determined by labour legislation."

In the case of companies with more than 250 workers, this involves establishing an equality plan. This means that the LOIMH indicates, as a primary objective, respect for equal treatment and opportunities.

In relation to the analysed plans, 26% establish, among their general objectives, eliminating salary discrimination. The method used is "guaranteeing equal pay for work of equal value."

All the plans present specific objectives in their remuneration areas, often repeating the general objective. It goes without saying that these objectives are derived from the results obtained in the diagnosis phase and that, in turn, the objectives (mainly specific ones) are used to establish the different measures that are contemplated in each area of the plan.

A situation that is systematically repeated in the different plans is the fact that the set objectives tend to be very generalist and ambiguous:

- *"Guaranteeing the monitoring of pay equality."*
- *"Eradicating salary discrimination."*

The measures introduced in each of the plan's areas of application are actions aimed at satisfying the specific and general objectives. It is therefore understood that such measures are directly related to the objective, being specific and easy to measure, since their fulfilment will reflect the attaining of the objective and, therefore, of the plan itself.

In relation to the analysed plans, the measures are common to a large extent, featuring reports with gender-based information:

- *Periodically preparing statistical analyses regarding the average remuneration of men and women in the company.*

In two cases, more details are given regarding how to carry out this analysis:

The first does so by differentiating between personnel subject to conventional wages scales and those who are not.

- *Annually carrying out statistical analyses regarding the average remuneration (both fixed and variable) of men and women in the company.*

Carrying out a specific study of the variable component in the remuneration of the group not subject to wage scales and establishing an action plan if discrimination is identified. The study will include:

- *Itemisation.*
- *Study of tendencies according to gender, area, workday and authority.*

- *Segmented and broken down collection of information.*
- *Identification of possible deviations.*

The second case involves voluntary bonuses.

- *"Carrying out a statistical analysis regarding the average remuneration of men and women, especially with regard to bonuses whose voluntary nature depends on the company, with the objective of detecting possible differences due to gender."*

Despite such measures, the workers' legal representatives declare that *"the existence of opacity in the matter of remuneration stands out."*

All of these measures are usually accompanied by others that state that, in the case of detecting discrimination, a specific action plan will be designed to correct the situation. No indication is made of who will design this plan or if it will be negotiated within the equality commission.

One equality plan, in the area of remuneration, includes measures aimed at reducing the gender pay gap: *"Encouraging more men to request a reduced workday to look after family members (minor and/or dependents), by means of awareness campaigns about the importance of co-responsibility."*

Promoting a greater balance in the distribution of part-time employment, giving priority in filling vacancies in full-time jobs to part-time workers, especially women."

These are actions that will undoubtedly help to promote equality. In the case of the first measure, it would be more appropriate to classify it in the area of reconciliation, since it promotes co-responsibility.

"of all reductions due to parental leave and all leaves due to parental leave, women account for 90% of the cases."

a.3) Indicators in remuneration measures

As mentioned above, equality plans require efficient monitoring and evaluation systems with regard to established objectives. These systems enable us to verify the functioning of the different measures and of the plan itself.

In order to facilitate this monitoring, the usual practice is establishing indicators in each of the measures agreed in the plan.

An indicator is a *piece of data or information that helps us ascertain or evaluate the characteristics and intensity of a phenomenon or determine its future evolution.*

Such indicators can be qualitative and/or quantitati-

ve. The use of the former or the latter will depend on the measure's content.

In the selection of plans used, we observed that 36% do not include any indicators in the area of remuneration. In the other plans, the predominant indicators are, once again, used to verify the reports that are established in the corresponding measure or the *"application of the agreement's economic regime and applicable agreements."* Six of the plans do establish indicators for each of the measures, also indicating which person or department is obliged to implement them as well as the time when they must start functioning.

In relation to the validity of these plans:

- one links it to the collective agreement applied in the company,
- one indicates indefinite validity,
- validity is not mentioned in 9,
- a specific date is mentioned in the others

The absence of execution deadlines for the different measures and the validity of the plan itself, may be a difficulty when it comes to correcting certain doubts that may arise when the plan is introduced, and which are directly related to its content.

b) Professional classification and promotion in the company

As mentioned above, promotion and professional classification are two matters to be included in equality plans. Both matters are directly related to remuneration.

b.1) Professional classification

Professional classification has been a central aspect of women's demands within the job market:

"a hard fight was fought over the categories journeyman/journeywoman because, naturally, saying journeyman was not the same as saying journeywoman; the journeyman received a bonus";

"I'm b because I can't rise above this category and the boy opposite is d, so he's earning more."

In feminised sectors, vertical discrimination appears from certain categories onwards:

"there are highly feminised sectors but in the upper categories, they are all men."

"in both feminised and masculinised companies, men occupy the upper categories."

Classification is an area that is not included in the plans' content; only one plan features, in the summary of the diagnosis, a brief reference to women's presence in certain jobs, but it does not include any measures.

Another plan includes a specific objective of *"classifying and evaluating jobs with non-discriminatory criteria."* The measure that is suggested to attain this objective is the *"elimination of the sexist designation of professional categories."* Once more, it includes as an objective a task that belongs to the diagnosis phase; the way the measure is expressed, it does not fulfil the objective since correcting the language used in professional categories does not help to evaluate jobs with non-discriminatory criteria.

b.2) Promotion

In the series of plans taken from REGCON and used as a reference in the analysis, one outstanding aspect is the fact that promotion is not mentioned in the diagnosis.

This reflects the situation in some companies:

"in my company there is no promotion."

"promotion is freely designated; at a certain moment the company management decides to entrust someone with a post of responsibility."

"we don't have any promotion systems and the company doesn't want to talk about it."

Two of the plans consulted mention promotion; one of them indicates that they have promoted more women than men, although they also state that *"the situation of women's representation... is equal in most areas. Nevertheless, their smaller presence in different groups will be analysed."*

The second case declares that *"in relation to promotions... it is worth highlighting that a high percentage of men have been promoted in all divisions."* An analysis of the plan's general objectives shows that the reference to promotion is minimal.

Generally, specific objectives involve guaranteeing equal opportunities and non-discrimination between men and women in promotion; in one case, the specific objective is *"favouring the promotion of women in all categories and functions in which they are under-represented."*

The measure that is suggested in 90% of plans is centred on introducing *affirmative action so that in cases of equal merit and capacity, preference is given to women for promotion to posts or functions in which they are under-represented.*

In addition to this one, other measures that appear constantly are the *establishment of clear, objective, non-discriminatory criteria that facilitate internal promotion and encourage those responsible to propose candidacies."*

This measure should be supplemented by, prior to each promotion process, requesting the equality commission to apply these equitable and non-discriminatory criteria and objectives.

In general terms, we can speak about the almost unanimous introduction of measures that, while linked to promotion, are reduced to very general texts, some of which are formulated as objective ones (*Ensuring equal opportunities in the promotion processes*).

Very few cases include specific measures aimed at favouring women's participation in promotion processes (*including in vacancies messages that explicitly invite women to present themselves to occupy posts and occupations of greater organisational responsibility, which are traditionally occupied by men*) and in training initiatives aimed at facilitating promotion (*participating in programmes specifically aimed at female employees to facilitate their promotion to posts of responsibility*).

Other measures that are contemplated in very few plans are the publication of vacancies so that they are accessible to the entire workforce, information regarding internal promotion processes, or informing candidates about the reason why there were rejected for promotion and indicating how to improve.

These measures are far removed from the situation in some companies: *"we had an agreement for the internal promotion of staff, establishing a series of guidelines with the workers' legal representatives; even this has been overlooked."*

One measure that appears in 33% of the plans indicates that the reconciliation of work and family life is not an impediment for promotion. In relation to this measure, one plan features as an indicator *"promotion data according to the right to reconciliation on the part of those who have participated in the promotion process."*

In the selection of plans used, we observe that 56% do not include any indicators in the area of promotion. Six plans do establish indicators for each one of the measures, also indicating which person or department is obliged to implement them, as well as the start date of their implementation.

c) Reconciliation/co-responsibility

In the selection of plans, we also looked for a link between reconciliation and other areas. A single plan mentions reconciliation in the general objectives of the areas of selection, promotion, training and remuneration. None of these areas establish measures to develop these objectives.

Reconciliation appears in three plans in measures aimed at promotion.

Most plans have specific areas of reconciliation; the measures included therein are aimed at reproducing the leaves granted by law.

BY WAY OF SUMMARY

The LOIEMH introduced a new element into collective bargaining: equality plans.

These plans were conceived as an efficient tool for attaining real equality in the workplace. The application of equality plans is far from being such a tool that contributes to the eradication of inequality within companies. The reasons for this may be because *“when it comes to giving you information that may help you to propose measures limiting the company’s organisational capacity, it falls short.”*

Also due to a lack of interest on the part of the company itself:

“The plan that the company proposes does not include any measures. It is meant for show,... the diagnosis is a joke; if the diagnosis is a joke, then the measures are inexistent”;

“until there is a clear intention on the part of companies to provide the social party with the information it requires, it is impossible to carry out a gender-based diagnosis resulting in an effective equality plan.”

This lack of interest results in the review and updating of the plan being *“entrusted”* to a single person, as if it were a routine task:

“I’ve told the company that the plan has become obsolete, that it has to be changed by incorporating new measures and the company responded yes, I should get to work on it and then present them with a draft.”

One of the reasons why companies are reluctant to introduce an equality plan may be due to the fact that *“in the end, establishing an equality plan in the company will reduce its capacity for deciding, its capacity for free designation; so what company is going to agree to the intervention of its workers in its own capacity for organising its work?”*

Based on the results obtained in both agreements and plans, we can conclude that the promotion of women in general and, more specifically, to posts of responsibility, does not have specific weight within the sphere of negotiation.



THE PENSION GAP

THE POPULATION OF OVER-65s IN EUROPE

According to European Commission data, by 2060 this population will have grown by 60% in the European Union, while there will be twice as many over-80s.

Spain and Europe are ageing and this is a reality that cannot be denied. Demographics is one of the most important future challenges and constitutes a sword hanging over the heads of today's social and economic systems... including pensions.

According to the European Union's "The 2015 Ageing Report," the population of over-65s will increase by 13% in the European Union in the period 2013-2020, rising sharply to another 40% in the following four decades (from 2020 to 2060). In total, it will rise by 59% from now to 2060, with the corresponding consequences for National Insurance in the Union's countries. In absolute terms, the number of people over this age will increase from today's 93 million to 148 million.

	POPULATION OVER 65						% variation		
	2013	2020	2030	2040	2050	2060	2013-2020	2020-2060	2013-2060
BE	2,0	2,2	2,8	3,1	3,4	3,7	13,2	63,2	84,8
BG	1,4	1,5	1,6	1,7	1,7	1,7	7,2	14,8	23,1
CZ	1,8	2,2	2,4	2,7	3,0	3,1	19,8	45,3	74,1
DK	1,0	1,2	1,4	1,5	1,5	1,6	14,5	38,8	58,9
DE	17,1	18,7	22,4	24,3	23,7	22,9	9,4	22,5	34,1
EE	0,2	0,3	0,3	0,3	0,3	0,3	10,2	23,5	36,1
IE	0,6	0,7	0,9	1,1	1,2	1,1	21,0	63,0	97,2
EL	2,2	2,4	2,6	2,9	3,1	2,8	5,2	19,7	25,9
ES	8,3	9,2	11,3	13,8	15,2	13,9	10,1	50,8	66
FR	11,7	13,8	16,4	18,4	18,7	18,8	17,7	36,6	60,8
HR	0,8	0,9	1,0	1,0	1,1	1,1	11,7	25,9	40,6
IT	12,8	13,9	16,3	19,2	20,0	19,9	8,8	43,0	55,6
CY	0,1	0,1	0,2	0,2	0,3	0,3	24,9	107,0	158,6
LV	0,4	0,4	0,4	0,4	0,4	0,4	1,8	1,1	3
LT	0,5	0,5	0,6	0,6	0,5	0,5	0,9	-13,6	-12,8
LU	0,1	0,1	0,1	0,2	0,2	0,2	23,9	164,1	227,1
HU	1,7	2,0	2,1	2,4	2,6	2,7	15,6	36,0	57,2
MT	0,1	0,1	0,1	0,1	0,1	0,1	25,9	45,8	83,5
NL	2,9	3,4	4,3	4,8	4,7	4,7	19,5	36,4	62,9
AT	1,5	1,7	2,2	2,5	2,7	2,8	11,4	62,8	81,4
PL	5,6	7,0	8,5	9,1	10,4	11	26,2	55,5	96,4
PT	2,1	2,3	2,6	3,0	3,1	2,8	10,6	25,0	38,1
RO	3,3	3,7	4,0	4,6	5,0	5,0	13,4	35,5	53,6
SI	0,4	0,4	0,5	0,6	0,6	0,6	20,8	39,2	68,2
SK	0,7	0,9	1,1	1,3	1,5	1,6	26,9	75,4	122,5
FI	1,0	1,2	1,4	1,5	1,5	1,6	20,1	30,4	56,7
SE	1,9	2,1	2,4	2,6	2,8	3,2	12,3	52,4	71,1
UK	11,1	12,5	15,1	17,3	18,5	19,9	12,4	59,1	78,9
NO	0,8	1,0	1,2	1,5	1,7	1,9	19,3	98,5	136,9
EU	93,2	105,3	124,8	141,2	147,9	148,3	13,0	40,8	59,1

Source: European Commission and Eurostat

This tendency is increasing in almost all countries, being very significant in some countries. For example, in **Luxembourg**, the number of over-65s will more than triple by 2060, with a forecasted growth of 227%. In other countries, it will be more than double, such as in Cyprus (with a 158% increase) or Norway (with 137% more people of that age).

In **Spain**, this age group will grow in line with the average: 10% in the next six years, 51% in the following four decades and 66% in total, from now to 2060. The over-65 population will increase from 8.3 million in 2013 to an expected 13.9 million within 46 years, according to data.

Only **Lithuania** will see the number of this age group decrease, with a 12% fall in the following decades, and in other countries, such as Estonia or Bulgaria, the growth will be modest (3% and 23%, respectively).

In relation to over-80s, the EU's population will rise from today's 26 million to almost 62 million in 2060, which amounts to a 138% increase: i.e. more than double today's figure. Luxembourg, Cyprus and Ireland will quadruplicate their population in this age group, while Spain will increase from 2.6 million to 6.9 million, i.e. it will almost triplicate the number of over-80s.

In this regard, almost all countries will at least duplicate the population in this age group, taking into account the increase in life expectancy, and only some Baltic countries such as Lithuania and Estonia will experience more modest growth (from 44% to 62%, respectively).

All EU countries are carrying out sustainability reforms in their pension systems. Among the main features of such reforms, it is worth mentioning the methods for calculating pensions, how the annual revaluation of pensions is determined and, above all due to their social impact, new retirement ages.

In what direction are these reforms heading?

All European countries face, to a greater or lesser degree, the same social, economic and demographic challenges. They are therefore taking, with their own particularities, measures in a very similar line, including changes in the current legal retirement ages in each of them.

Germany: The planned reform increased ordinary retirement age progressively, between 2012 and 2029, to 65 and 67, according to the number of years of contributions. However, as a result of ne-

gotiations with the coalition government, a proposal to reduce the legal retirement age to 63 has been passed.

Austria: Men can retire with a full pension at 65 after having contributed for 45 years, while women can do so at 60, although this will gradually increase to 65 between 2024 and 2033.

Belgium: The maximum pension is paid at age 65 after 45 years of contributions. There is the possibility of early retirement after 35 years of contributions, without reduction coefficients. This possibility is expected to be tightened, increasing from 60 to 62.

Denmark: Retirement age is 65, but with the 2011 reform it will gradually increase to 67 between 2019 and 2022. The possibility of early retirement will increase from 60 to 62 between 2014 and 2017, and up to 64 in the period from 2018 to 2023.

Finland: Ordinary retirement age is 65 for a national pension. For an individual contributory pension, the age ranges from 63 to 68 (starting at 63, the pension increases by 4.5% annually).

France: After the latest reform, the number of years of contributions required to receive a full pension will increase from 41.5 to 43, and the minimum retirement age remains unchanged at 62. Retirement age for receiving a pension without applying reduction coefficients, currently 65, will increase progressively 4 months per year starting in July 1, 2016, until the age of 67 in 2023.

Greece: The years of contributions required to receive a full pension are 37, which will increase to 40 as of 2015. As of 2013, the ordinary retirement age is 65 for both genders. Early retirement starts at age 60 and, in accordance with new legislation passed in 2011, a 6% coefficient is applied for each year (for those who retire between the ages of 60 and 65 and have contributed for less than 40 years).

Ireland: There is no possibility of early retirement. The ordinary retirement age is 65, which will increase to 68 by 2028.

Italy: Men's retirement age is 66, with 42 years and one month of contributions for a full pension. In the case of women, age 62 and 41 years and one month, respectively. In 2021, both ages will be standardised to 67.

Luxembourg: The retirement age is 65 and 40 years of contributions are required.

Netherlands: Receiving a full pension requires paying contributions continuously from ages 15 to 65. Retirement age is 65 and will increase to 67 starting in 2023. There is the possibility of early retirement two years before the legal age with a 6.5% reduction coefficient.

Portugal: Receiving the full amount requires 40 years of contributions. The normal retirement age is 65.

United Kingdom: The legal age is 65 in the case of men. Women's retirement age, 60, will gradually increase to 65 between 2010 and 2018. Both ages will be set at 66 after a transitory period from 2018 to 2020. There is no possibility of early retirement and 30 years of contributions are required to receive a basic state pension.

Sweden: Receiving the guaranteed pension requires 40 years of residence in the country; the contributory pension, 30 years of contributions; and for the "premium" pension, there is simply no maximum pension according to years of contributions. The ordinary retirement age ranges from 61 to 67 for the contributory and "premium" pension. In the case of the guaranteed pension, the age is 65.

THE GAP IN THE DIFFERENT MEMBER STATES

The gender pension gap is becoming an increasing cause for concern. This gap is estimated to be 39% on average in the European Union.

Among all the Member States, 17 have pension gaps of more than 30%. The highest pension gap is in Luxembourg (47%) and Germany (44%); the lowest pension gap is in Estonia (4%) and Slovakia (8%). Spain has a mid-range gap of 34%.

THE GAP IN FEMALE PENSIONERS. THE SITUATION IN SPAIN

According to the 2013 census, there are 8.3 million people ages 65 and over living in Spain. Taking into account provisional data from 2014, this population group accounts for 18% of the total number of residents in Spain, while 10 years ago the figure was 16.8%.

According to autonomous region: Castile and Leon, Galicia, Asturias, Basque Country and Aragon have a higher proportion of over-64 population compared to each region's total population. On the other hand, Balearic Islands, Murcia, Canary Islands or the Autonomous Cities of Ceuta and Melilla have a lower proportion of over-64 population compared to each region's total.

Within the old-age population group, women have a greater presence, accounting for 57% of the over-65s; furthermore, elderly women accounted for 20% of the total number of women registered in Spain in 2013. Among the regions with the most women, Asturias or Madrid stand out, with women accounting for 59% of the over-65 population; while the Canary Islands stand out due to a lesser over-representation of women (55%).

The large decrease in the birth rate and increase in life expectancy have transformed the structure of the population pyramid, increasing the dependency rate, i.e. the ratio of under-16s and over-64s to the population ages 16 to 64 (estimated at 59% for 2023). At present, there is an average of 1.38 children per woman and life expectancy is 81.8 for men and 87 for women. One possible consequence is that within a few years there will be more pensioners than active workers. Furthermore, the increase in life expectancy means receiving a retirement pension for more years; we have changed from a post-retirement life expectancy of between three and five years to between twenty-five and thirty years.

In February 2011, the Government and social partners signed a Social and Economic Agreement (ASE) for growth, employment and guaranteeing pensions. Part II is the Agreement for the reform and strengthening of the public pension system. It enumerates a series of measures to offset the new demographic, economic variables and the evolution of people's life expectancy, with the objective of maintaining the financial stability of the National Insurance system and guaranteeing its economic sustainability and future viability.

The 27/2011 law introduced reforms into the retirement pension affecting retirement ages and the way of calculating the pension, the calculation basis and percentages, which indirectly affects the different types of pension. It also modified other aspects, such as the regulation of early retirement and semi-retirement, minimum bonus, the amount covered in the case of professional accidents and illness, and child allowance.

One of the changes with the greatest impact in Law 27/2011 has to do with the retirement age, which is increased to the age 67 in Article 4.1 of the cited law.

However, workers with a full working life, i.e. workers that have contributed for at least 38 years and six months, can still retire at the age of 65.

POPULATION PYRAMID. YEARS 2013 AND 2023
SPAIN



Source: INE

FEMALE PENSIONERS AND THEIR EXPERIENCE IN THE JOB MARKET

The economic situation of female pensioners is precarious, since they generally receive very low amounts. Although men and women have the same pension rights, women do not attain the same level of protection as men since both genders do not have homogeneous working life patterns. Women's salary has always been considered a *compensation salary*, never a maintenance one.

This is shown by different experiences told by women who are now pensioners or have retired:

I was in a company for 39 years. All of us who were part of the workers' committee had so-called unproductive jobs²³... or you're a mechanic and you have an unproductive job, since you're in a group of machines, you received the company bonus that is paid to the group... I didn't have this group plan because I worked in inspection, which means that during my entire professional career, doing the same work

as my male colleagues, I had a lower salary, so when it came to retirement... I'm still in contact with my colleagues and there's a huge difference between their pension and mine.

When men did the same job as women, they received a larger salary:

..., when I was in the textile sector, they didn't pay boys the same as girls, they didn't pay the same, in ironing, men were paid more when they were in the middle of the chain and doing piecework and we had to iron the seams, well, this meant that they, of course, were paid... let's say 60 cents per seam and the girls, 12 cents, so there was a big difference.

There was also vertical discrimination, so women were destined to certain professional categories that often involved less remuneration, since there was a practice of paying men a bonus:

Women's category was ordinary labourers while men were electricians or mechanics, which meant receiving a bonus; women could not get out of this category of ordinary labourer.

23. Jobs done outside the chain..

...I was a teacher, so we had equal work and equal pay. The only thing that I perhaps noticed was that in the case of nursery education, female teachers were considered less.

...a hard fight was fought over the categories journeyman/journeywoman because, naturally, saying journeyman was not the same as saying journeywoman; the journeyman received a bonus; we overcame this and there was just one category, but since every law has its loophole, employers made professional groups.

...in the case of labourers, or the labourer category, we managed to obtain practically the same salary but it was never the same, because they invented some bonuses for men, because we women were not going to be equal to men who were the head of their household.

In other cases, women are not allowed to be promoted to certain categories:

The categories A, B are only for women. Men start in A but are soon promoted to D; my colleague and I were working side by side, but I was B because I could not be promoted above this category and the boy opposite was D, so he was paid more. The job was the same; I was stuck in category B and my colleague opposite was category D.

The assigning of gender within the professional classification could even be included in the agreement:

...because the agreement stipulates the the warehouse assistant has to be a man and the operators women... So the warehouse assistant earns a lot more than an operator, and an operator cannot be a warehouse assistant.

And in others, the salary differential is not due to labour reasons but to physical ones:

The agreement stipulated that we earned less than men... I was an administrative clerk and earned a little over a thousand pesetas less than my colleague because there was a risk that I would be absent from work during menstruation...

The glass ceiling was present in all sectors:

Then the management posts, study director, everything, we also had to fight a lot, then... Starting in 1982, 1984 things settled down and gender didn't matter for management posts.

Another characteristic of women's work was the lack of a contract and, therefore, no National Insurance contributions:

a lot of women have been working their entire life but without a contract and therefore without being registered in National Insurance; only at the end of their professional career have they had a contract, but with such little time paying contributions that they can only opt for the social salary of €426, which takes between 10 and 12 months to get.

There was a lot of part-time work, sewing work to do at home, making shoes, which were also sewn at home. A lot of work at home, without being registered in National Insurance.

The pay inequality experienced by Spanish women throughout their entire working life gets worse when they retire with an average pension of 691 euros/month, compared to 1,143 euros/month for men in 2013. In this case, women's pension would have to increase by 65% to be on a par with men's.

"there's a tremendous difference between men's and women's pension. Of the men I know, none of them receive a non-contributory pension, and of the women I know, their widow's pension is very small and their general pension is the minimum, which is also very low."

Pension inequalities are the result of salary differences throughout women's working life, due to receiving less pay for the same work, types of contract, part-time work, promotion difficulties, highly feminised sectors... The women that shared their experiences conclude that *women's equality in contracts and salary is, naturally, essential for pensions.*

The greatest inequality in pensions is in the 70 to 74 age group, with women receiving 41% less than men. In the case of female pensioners over 85, their pension is 39% less than men's, but their situation is more delicate since 33% of them receive the minimum pension compared to 21% of men.



Source: INE, 2015

The number of households whose main source of income is a pension has been increasing during the crisis, attaining the figure of 3.5 million households in 2013, which accounts for 20% of total households in Spain. The greatest proportion of households supported by pensioners is in the Autonomous Regions of Castile and Leon (24.7%) and Asturias (24%), where almost one of four households are in this situation, while the least amount is found in Regions such as the Canary Islands (13%) or the Balearic Islands (16%).

On the other hand, it is worth highlighting the fact that among the elderly, there is more poverty among women than among men: *"we're heading towards the institutionalisation of female poverty, we're on our way."* In 2013, 16% of elderly women were be-

low the poverty threshold, while this indicator was lower in the case of elderly men (14%). This situation may have arisen because of the increase in elderly women living alone, who, in general, have smaller pensions than men's due to the smaller presence in the formal job market during the years prior to retirement: *"... in the case of women that do have pensions, they receive €500, which doesn't go very far."*

In recent years, the spending power of pensions has decreased since pension increases have been frozen and pharmacy co-payment has been extended to pensioners; the introduction of a new method for calculating pension rises will also lead to additional cut-backs in their spending power in the following years..



SOCIAL PARTNERS AND THE PAY GAP

The social partners in several Member States have been working to overcome gender inequalities by mean of collective bargaining.

- In **Austria**, a social agreement was attained in advertising regarding income transparency as well as the publication of job offers. The ÖGB Trade Union Federation and its member unions have also promised to deal with discriminatory practices, in feminised sectors, during collective bargaining.
- In **Belgium**, in 2008, social partners signed a national agreement guaranteeing equal pay among workers. However, these commitments were not repeated in the 2009-2010 inter-sectorial agreement, mainly because the economic recession put the spotlight on other national priorities. Also in Belgium, the government revised the classification of professional jobs in order to overcome gender pay differences. Women have traditionally been employed in jobs with a lower classification than men's jobs.
- In **France**, since 2012, gender equality and the pay gap have been negotiated annually in companies. The work code contemplates fines for companies that do not have such agreements.
- In **Slovakia**, the KOZ SR Trade Union Confederation of the Slovak Republic focussed on salary differences between men and women and on national non-discrimination legislation, as part of the social dialogue and collective bargaining.
- In **Sweden**, during the collective bargaining campaign in 2013, the LO trade union explicitly worked on tackling the pay gap that prevails between sectors dominated by women and those dominated by men.
- In **Finland**, social partners agreed to promote pay equality in order to reduce the pay gap by 15% in 2015. The initiatives implemented for attaining this objective feature the requirement, starting in 2005, that collective agreements include a series of salary rises aimed specifically at feminised sectors.
- In some Member States, social partners have created specific structures to carry out a gender-based analysis of salaries and evaluate to what ex-

tent equal salary principles are respected (e.g. in Cyprus) or evaluate the existence of gender discrimination in remuneration systems (e.g. in Ireland).

- In **Spain**, social partners in the signing of the *Agreement for Employment and Collective Bargaining for the years 2015, 2016 and 2017* agreed to continue with the Work Group for Equal Treatment and Opportunities between Men and Women; it will be entrusted with the function of establishing criteria and guidelines aimed at applying collective bargaining to, among other matters, Equality Plans and the pay gap.

UNION PERCEPTION OF THE PAY GAP

Staff delegates' perception of the pay gap

Different studies and reports have broken down the causes for the pay gap by analysing women's presence in the job market, according to the variables that characterise their work activity (workday, contract, occupation...) as well as the different components in men's and women's salaries.

The report *Crisis and gender salary discrimination* declares that salary bonuses account for most of the pay gap separating men and women; therefore, by concentrating on one reduced part of the salary, we can eliminate half of the gender gap.

Starting from the hypothesis that salary bonuses have a specific weight in the gap, a survey was taken among delegates in companies of different sizes, sectors and activities in the autonomous regions of Asturias, Castile and Leon, Catalonia, Murcia and Valencia.

The survey, without being representative, was designed to ascertain the types of bonuses and allowances that men and women receive, and if companies pay any bonuses related to the quality/quantity of work, job and of a personal nature, and how they are distributed between men and women.

Four hundred and thirty people were surveyed, 53% of whom were women. Forty-nine per cent of the people worked in companies with more than 250 employees, 87% were employees and the other 13% divided among labour personnel and civil servants. In relation to seniority in the company, 68% had more than 10 years; 93% had a permanent contract and 62% a continuous workday.

In order to obtain a clear vision of the labour characteristics of those who answered, we screened the information based on simultaneous variables. Fifty-ni-

ne per cent of women with more than 10 years of seniority work in large companies (+250 employees) and have a permanent contract, 55% of them work part-time; the predominant types of workday are split (60%) and continuous (58%).

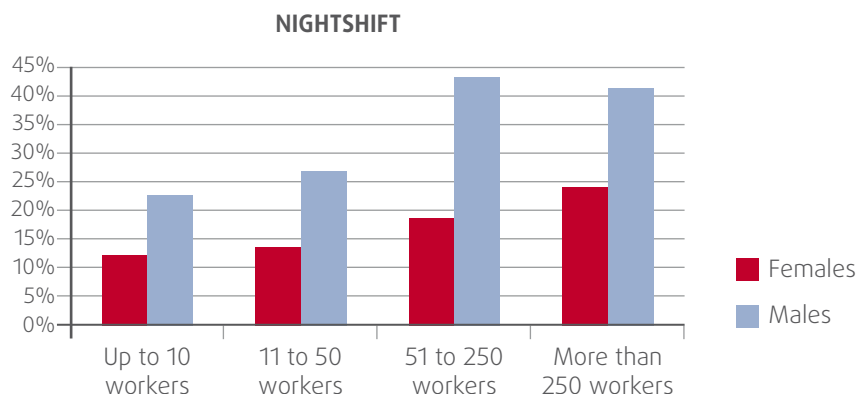
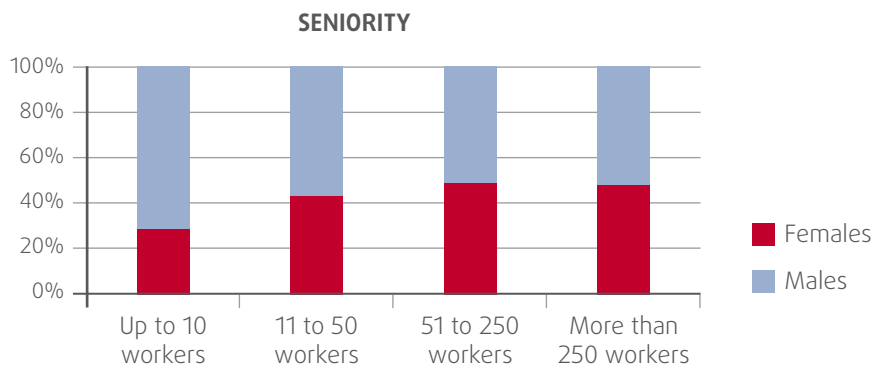
There is a difference in relation to this variable. Although the presence of men and women is similar in both continuous and split workdays, there are differences in the irregular working hours in companies between 50 and 250 employees; women duplicate men in this type of workday.

First of all, we analysed the different types of bonuses paid by companies. According to company size, these bonuses are mainly paid by companies with more than 250 employees, without significant differences between men and women. There are two types of bonuses that are only paid by very large companies, namely housing and mortgage-rate allowances. In the case of men, the nursery allowance is only paid to employees in very large companies.

A very important point of analysis linked to the existence of the pay gap is salary bonuses, all of which are linked to the agreement. This category encompasses seniority, nightshift, weekend work, overtime and productivity bonuses.

Screening these variables with gender and company size gives the following results:

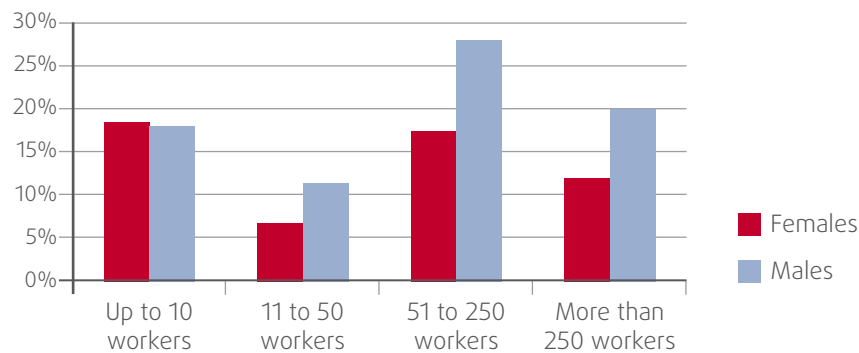
- Sixty-eight per cent of women and 78% of men receive a seniority bonus; this difference increases when taking company size into consideration, mainly among women. Thirty-one per cent of women working in companies with up to 10 employees receive this bonus; this percentage increases to 76% in companies with more than 250 employees.
- The nightshift bonus is paid to 29% of the people, with an 18% difference between men and women. The percentage of men duplicates that of women as regards this bonus, regardless of company size.
- The weekend bonus is the one with the lowest percentage, only being received by 17%; the figure is slightly higher among men (21%). This bonus is characterised by being "paid" by small companies; 19% of women working in companies with up to 10 employees receive it and 28% of men in companies with 51 to 250 employees.



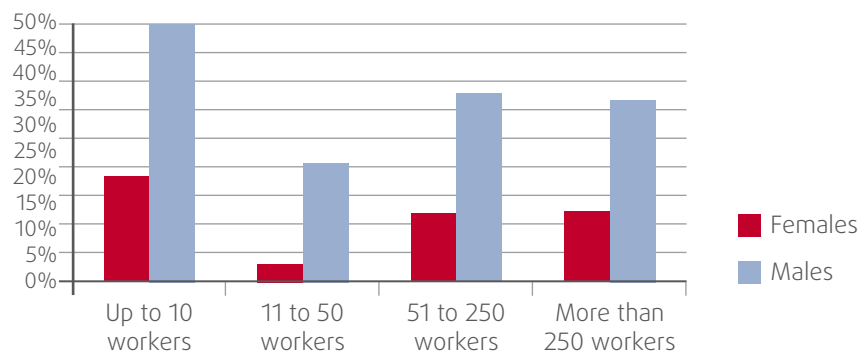
► Twenty-three per cent receive an overtime bonus. In this regard, there is a percentage difference between women and men of 23 points in favour of the latter. Although all companies pay this bonus, it is paid to a greater extent in small companies, with large differences according to gender. Nineteen per cent of women working in companies with up to 10 employees receive this bonus compared to 50% of men.

► Thirty percent declared that they receive a productivity bonus, with similar levels between men and women. In relation to receiving this bonus, company size has a significant impact.

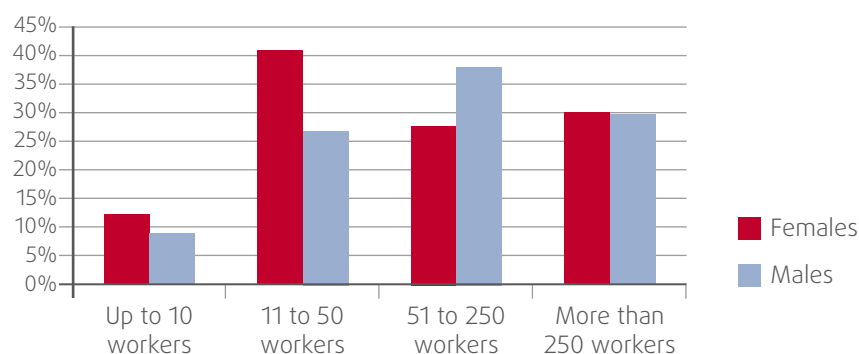
WEEKEND WORK



OVERTIME



PRODUCTIVITY



Women receive this bonus in all companies, but the highest percentage is found in companies with 11 to 50 employees (14% more than men). In the case of men, the company category in which it is paid the most is 51 to 250 employees.

Those who answered this survey also declared that they receive other bonuses linked to hours of presence and working special hours.

In relation to overtime, those surveyed were asked about the compensation model in their company. Payment of overtime is a customary practice according to 32%. With the exception of companies with 11 to 50 employees, this compensation is received to a greater degree by men than by women.

Compensation made up partly by money and partly by time not worked is received by 15%, with men having higher percentages than women in the different company sizes (there were no replies from women in companies of up to 10 employees).

In relation to the other types of compensation: payment of overtime as if it were normal time and compensation in time not worked, women make up the majority in all types of companies.

Although this sample is not representative, it is worth highlighting that men receive more compensation

for overtime, which is sometimes combined between money and time, while women receive less compensation (overtime is paid the same as normal time) or receive rest time. This last possibility it not negative if it is an option chosen by women.

The survey included a section regarding bonuses that can be negotiated in the collective agreement:

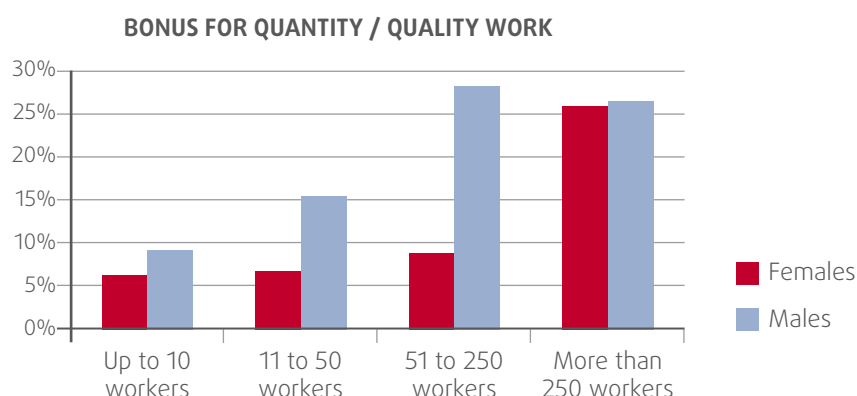
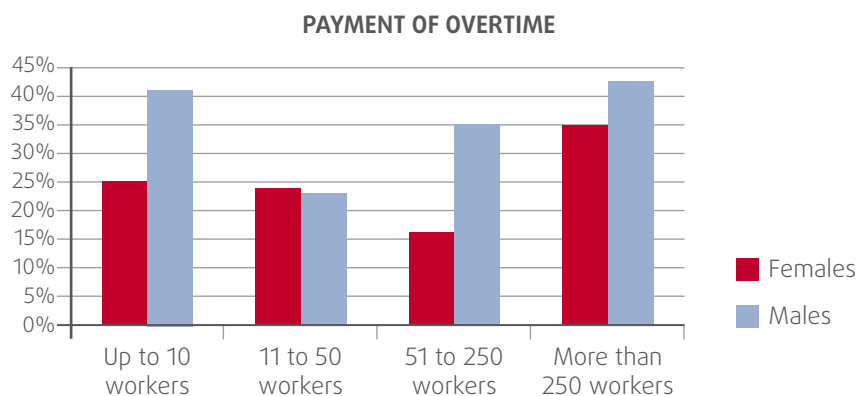
- **Bonus for quantity/quality of work:** Received by a worker due to better quality or more quantity of work.
- .- **Job bonus:** Received by a worker due to the characteristics of the job in which services are provided.

This same section included voluntary personal bonuses, i.e. bonuses established voluntarily by the company.

Among those who answered the survey, it is mainly men that say they receive them, although there are no significant differences between men and women.

Both women and men acknowledge the existence of these bonuses regardless of the size of the company in which they work.

The bonus for quantity/quality of work is the one with the biggest difference (5%) between men and women. This difference increases in companies with 11 to 50 employees and 51 to 250 employees, in which men duplicate women as regards receiving this bonus.



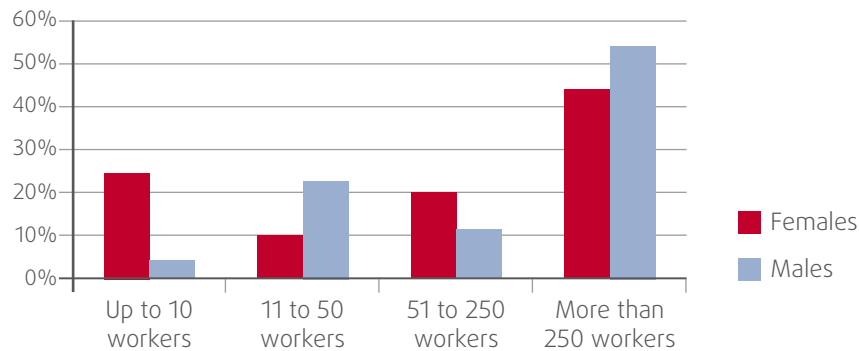
In relation to the job bonus, the differences are smaller between men and women in percentage terms. Nonetheless, this bonus is largely received (25%) by women working in companies with up to 10 workers.

The voluntary personal bonus is received equally by men and women in companies with up to 250 employees. With the exception of companies with 11 to 50 employees, men are the ones that mainly receive this type of bonus.

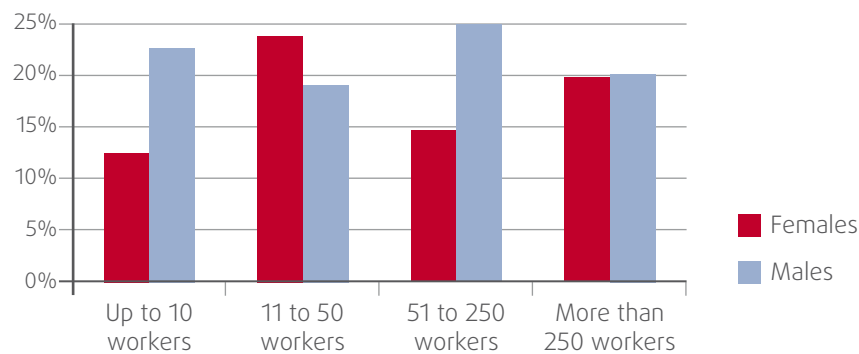
All these bonuses were negotiated with the workers' legal representatives and, in gender terms, are mainly received by men.

An analysis of the results obtained from the surveys shows that there are differences in the bonuses received by men and women. This ratifies the starting hypothesis regarding the specific weight of bonuses in the gap; therefore, dealing with them will help to eradicate the gap.

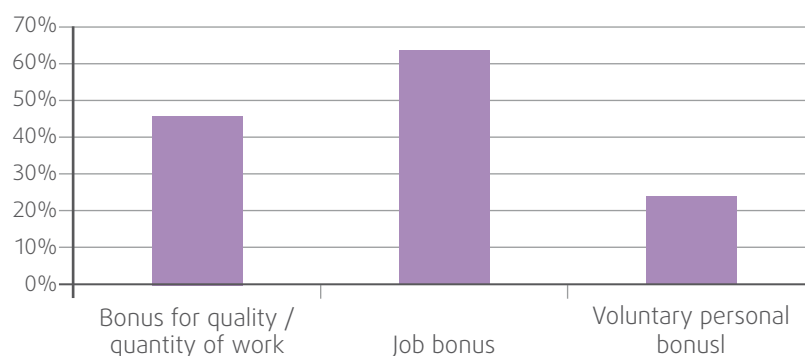
JOB BONUS



VOLUNTARY PERSONAL BONUS



PERCENTAGE OF BONUSES NEGOTIATED WITH WORKERS' LEGAL REPRESENTATIVES



Perception of the pay gap by those responsible for union action

One of the spheres from which we can tackle any labour inequality, including salary inequality, is social dialogue and collective bargaining. We therefore interviewed those in charge of union action in the autonomous regions and federations that make up CSCCOO. This initiative had the following objectives:

- Valuating the perception of the pay gap and degree of awareness regarding this situation, on the part of those responsible for union action within the organisation.
- Detecting these persons' knowledge of equal opportunities with a view to incorporating the gender perspective into negotiating processes, based on the LOIMH.
- Visualising the impact of the pay gap and, therefore, the need for implementing measures in collective bargaining in order to eradicate it.

The content of these interviews was centred on different aspects, all linked to perception, detection and interpretation of the gap, as well as the tools and strategies designed to intervene in its eradication.

When discussing salary equality, we have to point out that this is the result of a priori and a posteriori factors. The former have to do with the permanence in society of gender discrimination factors, which act globally and reduce women's specific opportunities in all aspects of life. These mechanisms that erect barriers and raise obstacles include gender roles and the survival of a gender-based division of work.

A posteriori factors have to do with the predetermined place of each female worker in her job. The answers obtained refer indirectly to these types of factors.

Pay gap as historical discrimination or inequality

All those who answered the survey coincide in affirming that the pay gap is gender-based discrimination, which is fed by different realities that all have to do with gender. First of all, social norms were what kept women at home; having overcome this phase, today, despite women's high level of qualifications, there remain discriminatory cultural inertias (masculinised sectors: construction, industry, army..., and in management categories, many companies have traditionally been passed down *"from father to son"*... and this is still the case today) and other inertias, which have not been overcome, regarding the assumption of greater female responsibility in family matters (with undoubtedly work to the detriment of promotion at work).

However, some declarations reveal the prevalence of a priori factors: *"today, there are no objective factors to explain the pay gap, since if we consider edu-*

cation, experiences, sector, occupational position in the workplace, women are even more qualified than men."

The fact that this discrimination still exists today can also be explained by the negotiating process itself, since *"for many years Collective Bargaining discriminated against women, establishing agreements with different criteria for men and women. This has impeded progress being made in equal rights."*

The different opinions expressed point to the fact that *"the impact of such discrimination on women is less income throughout their life, which leads to lower pensions and greater risk of poverty in old age."*

Evaluation of the Equality Law

One element for advancing towards equal rights was the approval of Law 3/2007, which contemplates the introduction of affirmative action and/or equality plans into companies. The generalised opinion is that the Equality Law is a tool for applying in the case of any type of discrimination. The problem arises when it comes to implementing it; neither unions by means of their representatives nor the Work Inspectorate itself have been capable of putting it into practice comprehensively. Only generic clauses have been included in collective agreements by negotiating commissions, in addition to the odd campaign by the Work Inspectorate in companies with more than 250 workers. It has also been pointed out that establishing its compulsory nature in workforces of 250 and more is an exaggeration (Sweden does so from 25 upwards, France and Belgium from 50 upwards...).

One idea that stands out from the opinions received is that intervention with regard to equality can only be carried out in large companies and by means of equality plans. The negotiating process itself ignores a general obligation for all companies, such as the inclusion of affirmative action measures: *"neither are measures contemplated in collective agreements, especially sectorial ones."*

There is a consensus when it comes to considering as a negative aspect the law's lack of development and follow-up, just as the elimination of the Ministry for Equality and its unification with that of Health and Social Affairs seriously damaged its efficiency; today, the fact that a man is responsible for these matters is also symptomatic.

It is widely pointed out that equality policies are active policies and, as such, are an economic matter that needs a budget and not cutback policies.

Approaching the gap

As different publications have indicated, pay inequality between men and women varies according to the analytical approach chosen: women's/men's salary, men's/women's salary. Although the gap is the same in quantitative terms (euros), the gap varies in qualitative terms, which modifies the perception and seriousness of the problem. The perception of the pay gap is one of greater inequality if expressed in terms of men's salary compared to women's: the objective is increasing women's salary to be on a par with men's. The choice of this approach is not coincidental but is due to the fact that this approach features an intrinsic connotation of demand, while the women's/men's salary approach implies acceptance.

Possible causes of smaller remuneration

When asked about the possible causes for women receiving less remuneration than men, the interrelation of a priori and a posteriori factors in the labour field arises once again. It is thus indicated *that the occupational segregation that exists in the job market, the smaller remuneration, is often due to the gender bias with which some feminised professions are evaluated.*

The expressed opinions reveal the persistence of certain beliefs regarding women's choice in the job market, including part-time work as the main option or providing care:

"Companies have mainly been hiring men, these have been accumulating seniority and bonuses, and been promoted to posts of responsibility, while women have encountered more obstacles when it comes to promotion, training, etc."

"An important factor is, perhaps, the division of work. The general feeling is that women's work is worth less, part-time, temporary, due to family responsibilities and obligations, resulting in women working less hours; companies occasionally misuse the types of contract, thus harming workers in general and women in particular."

"Internal promotion associated with complete dedication to the company, a condition that women satisfy to a lesser extent. The result is that women tend to do part-time jobs, with greater probabilities of being hired in low-paying jobs and not being designated for posts of responsibility."

These declarations do not fully match women's opinions, since 61% of women that work part-time claim to do so involuntarily and would prefer to work full-time.

Another factor, and one that is of essential importance, is women's absence in the commissions that negotiate collective agreements. This situation leads to a failure to discuss, in such commissions, including affirmative measures or action in agreements with regard to hiring, internal promotion, training linked to promotion, etc.

Measures aimed at eradicating smaller remuneration

There are examples of measures that enable these causes to be eliminated or minimised. This is the case of the federation of Food and Agriculture in fairly feminised subsectors; the criteria were changed in all agreements for Processing Tomatoes, Citrus Fruits, and Fruits and Vegetables, the negotiating commissions have mainly been made up of women for a fair amount of years, the minimum criterion of proportionality has been maintained in each of the sectors (the previous disproportionate composition in favour of men was changed).

Other measures involve:

- Guaranteeing the application of legislation, encouraging co-responsibility in the family, so that it contributes to equal opportunities.
- Eliminating seniority as a criterion for evaluating internal promotion processes.
- In sectorial agreements, establishing a calendar for negotiating and preparing equality plans in companies, as obliged by law or by the agreement itself.
- Establishing the compulsory nature of equality plans in companies with more than 150 employees.
- Establishing an equality commission for preparing and monitoring the equality plan.
- Indicating the general and specific objectives of sectorial equality plans.

Professional bias

When we speak of professional bias, we refer to the possible permanence in society of gender discrimination mechanisms. These mechanisms are gender stereotypes, gender roles and the survival of the gender-based division of work, which are phenomena that cause difficulties for women in the job market; these difficulties are increased when such phenomena are interrelated.

Gender-based traditions and roles determine men's and women's place in society, and may impact, for example, the choice of studies by boys and girls. Such decisions are influenced by suppositions and traditional values regarding the jobs that men and women can do. Gender-based segregation is still very strong; there are still very few women in industrial training cycles, when industrial changes have changed radically and have nothing to do with how they used to be.

Companies require capacity for adapting to changes in jobs and, at the same time, very specific training, something that is failing and this failure has a very negative impact on women's employment, promotion and, consequently, remuneration.

Another determining factor is the unjust invisibility of women's capacity for doing any job. Here is where career guidance by public employment services comes into play.

In these opinions there is room for self-analysis and affirming that *"it is important to observe internal deficiencies that we in the union also have and advance towards their elimination, in order to influence society in a more decisive way."*

Actions of minimising the influence of professional bias in remuneration

The existence of this professional bias has generated the consideration that feminised production sectors are paid less than masculinised sectors. Trade unions are proposing actions aimed at eradicating this situation, although there is still a lot to do. The difficulties of collective bargaining processes (especially in the last 7-8 years) mean that on too many occasions attention is given to what is most urgent, leaving important matters aside.

CC.OO. has always emphasised carrying out affirmative action measures in collective bargaining; we have to be aware that these have not always been defended as central demands in negotiating processes.

Union action aimed at collective bargaining, when preparing platforms of demands, should take into account the matter of equality. The incorporation of clauses into the platforms of agreements aimed at eradicating discrimination, should "almost" be an obligation. This is usually the case in sectorial agreements. However, in many company agree-

ments (made with much less union oversight) it is more common not to introduce articles of equality, non-discrimination or reconciliation.

Another matter is what happens to these demands during negotiation. The tendency is to consider them indispensable, yet they are dropped in the first meetings; one way of avoiding this is having an equal composition of the committee (% of men and women).

Bonuses in the pay gap and corrective measures

In order to adopt measures that eradicate the gap, it is necessary to identify not only the causes but also the factors. Analysing a breakdown of salaries highlights that bonuses account for almost 50% of this gap. Those who expressed their opinion believe that discrimination exists in salary bonuses, although it is true that an effort is being made to eliminate them. A posteriori factors apply in this field. Bonuses may be awarded arbitrarily, linked to personalistic, variable and unmotivated requirements, resulting in less remuneration for women.

Salary bonuses are decisive elements in salary differences. In the composition of gross annual salary, extra bonuses increase the difference. Men receive salary bonuses in exchange for availability or dedication to the company, while women are still largely devoted to looking after children, other family members and housework. It is also true that they are not selected for posts of great availability at the service of the company, because in society as a whole the idea that a woman puts family before work is strongly entrenched.

Sometimes variable items are established that have nothing to do with the job or the employee's professional characteristics, but are bonuses linked to company profits or the fulfilment of certain objectives. These amounts are not usually paid linearly but as a percentage of one's salary, even though all workers contribute in like manner, each one in his/her own job, to attaining these profits or objectives. Taking into account the fact that women, in general, are concentrated in lower categories with lower wages, this system also increases the gap.

Other bonuses depend on individual valuations of the worker by the company, and this introduces a certain discretionary aspect into the payment of such. There are also bonuses ad personam, which are an ambiguous element that is often unregulated; these are often salary bonuses that improve on the agreement, and are agreed individually and/or at the employer's criterion.

This along with the lack of transparency in companies' remuneration policy makes it complicated in the field of collective bargaining to deal with the pay

gap and means that, in equality plans, it has not been possible to deal with this problem due to the employers' refusal.

Work that involves physical effort, which is usually carried out by men, is often paid more than jobs carried out by women. Seniority is another bonus that makes a difference, since women join the labour market later on.

Without having carried out an exhaustive study of bonuses, we can see that bonuses such as dedication, availability, difficult work, overtime, job bonus, are salary elements that may contribute to increasing the pay gap.

One way of correcting the impact of bonuses on women's remuneration involves encouraging family co-responsibility in agreements, establishing clauses for internal promotion that prevent discrimination due to availability or flexibility, promoting employee training... This comes down to establishing agreements on the basis of equality.

Promotion as a central factor in the gap

Different causes have been identified regarding the gap: seniority, professional classification, reconciliation, gender roles... promotion is another one. Analysing a reduced group of agreements reveals important aspects in relation to promotion, such as seniority, evaluation of the candidate's qualifications, professional record, the managers' opinion. All of these are apparently ambiguous merits, which can hide discriminatory practices since evaluations are subjective; in view of this, it is necessary to establish corrective mechanisms to eliminate this subjectivity.

Equality plans

A tool that helps to correct this type of phenomena is equality plans and their introduction into companies by means of union action.

This work involves different aspects:

- **Training:** union training for delegates in two courses; the first on equality principles, what gender-based discrimination is, its consequences in the socio-labour field or what affirmative action is.

The second is specifically aimed at equality plans within companies.

But since all of this has to be multi-level, in courses on labour relations, collective bargaining or National Insurance, all these matters are reinforced.

Courses on collective bargaining refer extensively to aspects that the Workers' Statutes as well as the Equality Law or the Law on Prevention of Industrial Risks assign to collective bargaining, for their development from a gender perspective. I believe

that this is essential, since equality as a principle is accepted without exception, but when this has to be turned into specific practices, actions or measures, we continue to find strong resistance.

- **Affirmative action measures:** Affirmative action measures are not always seen and accepted as necessary mechanisms for guaranteeing equality or as guarantor mechanisms, but as measures favouring women; it is essential to eliminate such notions.

- **Negotiating committees:** Reinforcing and promoting women's presence in negotiating committees (currently around 28%). It is necessary to attain a balance between men and women.

Proposing, in committees negotiating sectorial agreements, the inclusion of an Equality Plan in companies with a smaller workforce than what is established by law (250).

- **Using diagnoses to explain the situation,** with a view to highlighting the differences and establishing stable structures so that the plans, after signing, are set in motion and evaluated correctly.



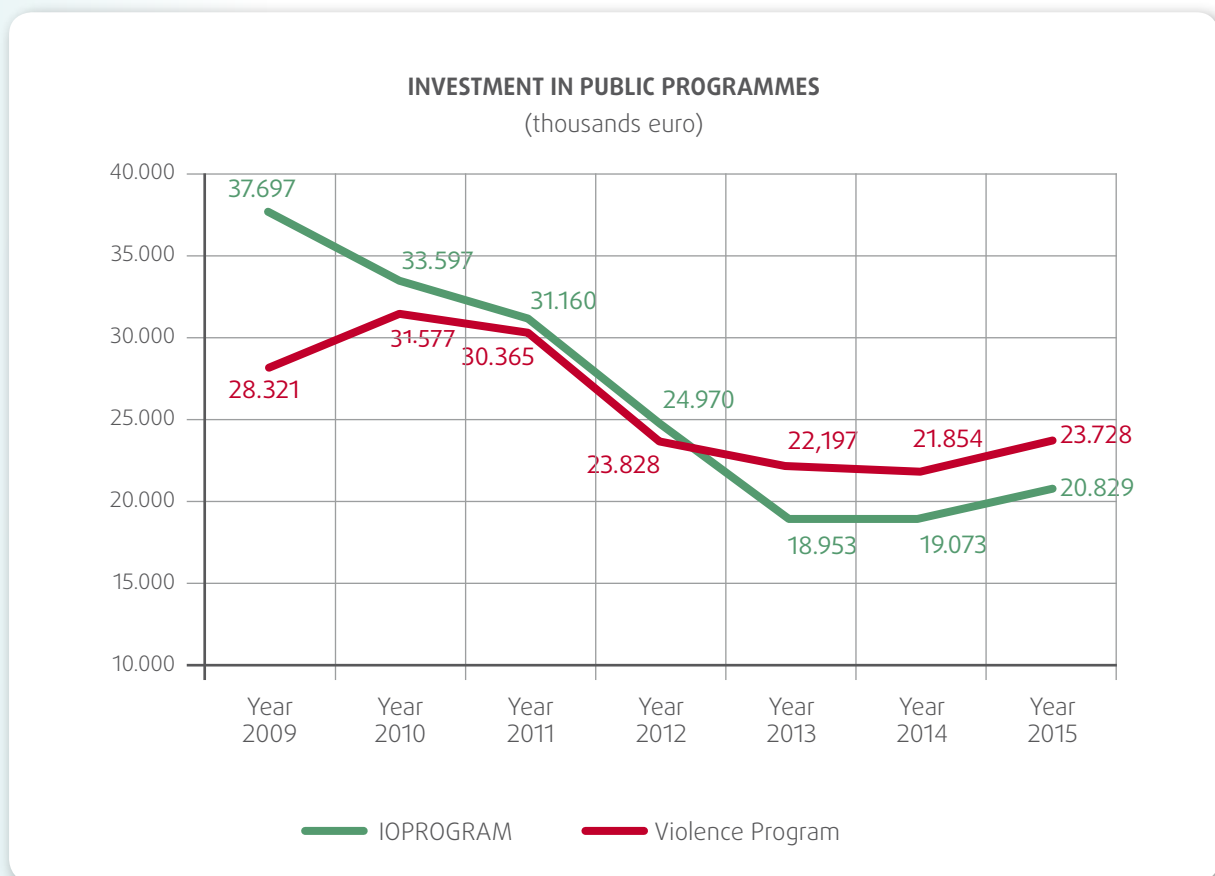
CONCLUSIONS

Women's smaller remuneration is the result of a series of "a priori" and "a posteriori" factors. The former are the ones that characterise the conditions for accessing the job market and, therefore, the salary received, while a posteriori discrimination factors refer to what is understood as gender pay discrimination in the workplace.

Gender stereotypes on the part of companies in hiring, gender-based career guidance, absence of co-responsibility in caregiving for children and dependents, type of workday, job market segregation, persistence of the gender-based division of work, the traditional mentality that still considers a woman's salary as supplementary, are factors that operate a priori and result in an unequal insertion into the job market and, therefore, salary inequality.

The crisis, cutbacks in dependency, education and healthcare systems, the absence of policies aimed at co-responsibility, along with the different labour reforms have increased the pay gap in Spain, mainly due to the fact that women have been obliged to reduce their work time and, therefore, their remuneration, or even give up their job, since families, and women within them, now have to handle responsibilities that should be taken care of by the State.

Likewise, year after year, important cutbacks have been made in public Equal Opportunities programmes, thereby removing the matter of equal opportunities between men and women from the political agenda and increasing existing inequalities that, in turn, have a direct influence on the pay gap²⁴, as the following graph shows:



24. Own preparation based on Generate State Budget..

It is essential to put Equal Opportunities back on the political agenda in order to influence the structural and a priori factors of the job market that cause salary inequality, by means of public actions such as:

- ▶ Active employment policies for unemployed women with personalised itineraries in guidance, training and professional requalification.
- ▶ Improving the regulation of part-time hiring with effective measures that prevent part-time contracts being mainly assigned to women, as well as guaranteeing equal treatment with full-time workers as regards salary and social protection.
- ▶ Reducing unjustified temporary employment, by penalising such employment, increasing contributions for unemployment benefits in temporary contracts and decreasing them in permanent ones,
- ▶ The role of the work inspectorate should be more important in eliminating the pay gap. This involves increased training in equality policies for those working in the Work Inspectorate, along with more resources so that it can increase its programmed actions with regard to the pay gap and enforce the principle of equality. Likewise, the Work Inspectorate should reinforce its mechanisms for controlling temporary employment and part-time contracts, avoiding the fraudulent use of such contracts.
- ▶ Dealing with the phenomenon of the underground economy in typically feminised sectors such as working at home, hotel and catering, commerce.
- ▶ Public policies that encourage co-responsibility in looking after minors and dependents, especially in establishing paternity leave as included in the Organic Law for the Effective Equality of Men and Women.
- ▶ Restoring the Educa3 programme, aimed at establishing nurseries for babies ages 0 to 3.
- ▶ Assigning funds to effectively develop the Dependency Law.
- ▶ Public investment for the professionalization and training of feminised sectors such as commerce, hotel and catering... with the objective of increasing their added value.
- ▶ Investment in public employment.
- ▶ School campaigns aimed at eradicating the difference in young people's career choices in order to break the occupational segregation of the job market.

▶ Restoring funding to programmes of equal opportunities between men and women, with the objective of eliminating sexist stereotypes that still exist.

▶ Developing the regulations of the LOIMH to give union representatives more participation when it comes to diagnosing the situation and everything that has to do with the information that the company should provide for a correct evaluation of the situation, especially information on remuneration, in the process of negotiating equality plans.

These proposals should necessarily be implemented by means of social dialogue with social partners in the design, application and evaluation of public policies. Improving the labour insertion of the best women is one of the keys to eliminating the pay gap.

By means of the union action that CSCCOO is carrying out on a daily basis in companies, we have identified the following a posteriori factors or what is understood as gender salary discrimination in the workplace:

- Unequal evaluation of equivalent jobs carried out by men and women, with the tendency to undervalue women's work.
- Arbitrary, undefined remuneration systems that are not negotiated with union representatives (bonuses, allowances, salary supplements, social benefits...) and which lack sufficient transparency. A salary breakdown shows that bonuses account for approximately 50% of the pay gap.
- Discretionary promotion systems on the part of the company or conditioned by availability requirements that, in reality, prevent women from accessing professional promotion.
- Less access to training on the part of women, which hinders their promotion and presence in posts in which they are under-represented.
- Establishing leaves aimed exclusively at women that prevent co-responsibility and have a harmful effect on women's remuneration.
- Working hours that are incompatible with the reconciliation of work and family life.
- Persistence of sexist prejudices and stereotypes in companies that are detrimental to women's possibilities in hiring, access to training and promotion.

CCOO has reinforced its commitment to Equal Opportunities by incorporating gender mainstreaming into all union action policies and especially in collective bargaining, due to its impact on women's labour conditions.

Organic Law 3/2207 for Effective Equality between Men and Women was a milestone in the advancement of Equal Opportunities in Spain. From a labour

perspective, it opened up excellent possibilities for combating discrimination against women in the job market, giving collective bargaining an indispensable role by means of Equality Plans.

Despite having a suitable regulatory framework, those in charge of collective bargaining at different territorial and federal levels, encounter on an everyday basis numerous difficulties for negotiating affirmative action and equality plans in companies or in collective agreements, regarding which we would like to highlight the following:

- The exemption of being obliged to negotiate equality plans in companies with less than 250 employees, which results in a scarce implementation of the law since Spain's productive fabric is mainly made up of small and medium-sized enterprises (SMEs), unless mandated by the sectorial agreement.
- Resistance on the part of employers to introduce equality measures or plans into sectorial collective agreements, which influences the non-application of equality policies in SMEs affected by the application of sectorial agreements.
- This resistance means that, on many occasions, real affirmative action is not agreed in the negotiation of collective agreements, but merely generalist, unspecific clauses.
- Employers and companies are reluctant to introduce affirmative action into promotion and remuneration systems, considering such organisational matters to be their exclusive responsibility.
- In SMEs, trade unions' contractual capacity is less or, in many cases, inexistent since many of them do not have union representatives, resulting in a lack of equality policies therein.
- As a contextual element, the crisis and different labour reforms have weakened collective bargaining, resulting in an important setback for equality policies in companies.

PROPOSALS FOR UNION ACTION IN COLLECTIVE BARGAINING

General Considerations:

Collective bargaining is a powerful tool for combating the pay gap. Including equality measures in collective agreements or an equality plan in sectorial or company agreement goes a long way in eliminating the pay gap, by improving female workers' labour conditions.

The prior diagnosis of the situation as required by law will give us an in-depth knowledge of women's situation in the sector, or company, in order to detect any existing inequalities.

The factors behind the pay gap, both the a priori ones in the job market and the a posteriori ones in companies, are interrelated. Therefore, the implementation of equality measures and/or equality plans arising from collective bargaining will target existing discriminations in hiring, professional classification, promotion and training, remuneration or the organisation of work time, all of which are jointly responsible for the pay gap. It is therefore necessary to continue stressing the need for sectorial collective agreements to expressly include the obligation of negotiating Equality Plans in all companies within their sphere of application, regardless of the number of employees. In addition to this obligation, the collective agreement itself should include affirmative action measures aimed at eliminating any discrimination that may exist, promoting the principle of equal opportunities so that it will be directly applied to everyone to which the collective agreement applies. This will cover any possible gaps in companies in which, due to their size or the lack of union representation, may have more problems when it comes to implementing equality policies.

Collective agreements will include criteria regarding the participation of union representatives in diagnosing the situation, as well as the data required to carry out such, especially salary data. In company collective agreements, we will promote the preparation of equality plans, even in companies with less than 250 employees, since they can voluntarily prepare an equality plan.

Particular considerations

Equality measures in collective agreements, regardless of whether they result in an equality plan or not in the agreement itself or are transferred to the company's equality plan, may be of different types, in relation to the pay gap, but it is essential that they deal with:²⁵

25. These measures should also be included in Equality Plans in companies..

In relation to hiring

- ▶ Improving quality in hiring, regulating in the collective agreement the aspects that can be included by law in collective bargaining, such as converting part-time contracts into full-time ones or temporary contracts into permanent ones.
- ▶ In situations of equal merit and qualifications, establishing the preference for hiring women in those posts or functions in which they are under-represented.

In relation to remuneration

- ▶ Eliminating salary levels based on age and the permanent double wage scale.
- ▶ Guaranteeing equal treatment to part-time workers and those with temporary contracts, in everything that has to do with salary bonuses, social benefits, access to training and promotion.
- ▶ Negotiating salary bonuses, their definition and aspects of the work that they compensate²⁶, guaranteeing their objectivity, paying special attention to bonuses ad personam or linked to company objectives or profits, avoiding their unilateral establishment on the part of companies.
- ▶ Equal pay for equal functions and work.
- ▶ Establishing transparent systems negotiated with union representatives.
- ▶ Sectorial and company equality commissions have to evaluate the measures adopted to eliminate the gender pay gap, by means of systems of indicators, as well as detecting possible discriminations.

In relation to professional classification

- ▶ Eliminating sexist names in classification systems (groups, levels, functional divisions...).
- ▶ Establishing professional classification systems that feature equal pay for equal qualifications and functions.
- ▶ Clearly defining groups, functional divisions and professional levels on the basis of technical, objective and gender-neutral criteria.

- ▶ Establishing corresponding salary levels for each professional group, after carrying out a neutral evaluation of posts in accordance with functions and responsibilities, qualifications, aptitudes according to each job, guaranteeing the absence of any type of discrimination.
- ▶ Dealing with procedures with union participation for individual appeals, in the case of disagreement with the assigned classification or in case of salary discrimination.
- ▶ Including affirmative action clauses for women's access to jobs, professional categories of groups in which they are under-represented.

In relation to promotion and training

- ▶ Establishing professional career itineraries with the workers' union representatives, giving priority to training rather than other criteria such as availability or the company's discretion.
- ▶ In equal conditions, establishing preference for women in promotions for posts, categories and groups in which they are under-represented.
- ▶ Informing the entire workforce about upcoming promotions.
- ▶ Establishing quotas for women in promotion processes.
- ▶ Carrying out training during working hours and, if this is not possible, any extra hours used for training should be compensated with free time.
- ▶ Establishing a quota for women in access to training, for those posts, categories and groups in which they are under-represented.
- ▶ Encouraging female workers on leave to take care of minors or dependents to participate in the company's training processes, especially with a view to their return to work.
- ▶ Guaranteeing that temporary or part-time workers participate in training processes.
- ▶ Guaranteeing the participation of the workers' legal representatives in training-based promotion tribunals.

26. We should take into account that salary bonuses and the basic salary itself are a priori factors that condition women's access to the job market.

***En materia de conciliación de la vida familiar
In relation to reconciling work and family life***

- ▶ Enabling flexible start and stop times, reducing the lunch break.
- ▶ Establishing banks of hours that can be remunerated or used by employees to take care of needs not covered by legally established leaves.
- ▶ Regulating the flexible use of legal leaves in according with the employees' will.
- ▶ Regulating the right to accumulate the reduction in the workday, so as to enjoy free days depending on the employees' reconciliation needs.
- ▶ Extending the right to reconciliation of work and family life to everyone in the company and not merely female workers.
- ▶ Establishing in the collective agreement the criteria for the irregular distribution of the workday, as established by Art. 34.2 (Workers' Statute).

The complexity of the pay gap and its possible solutions also requires the involvement of all social partners: government, union and employers' organisations. In this regard, CSCCOO has invested numerous resources in Equal Opportunities training for everyone in the organisation: company delegates, union representatives in negotiating committees and union leaders. Even so, actions should be reinforced with specialised training regarding the pay gap, enabling a correct detection and correction of this gap in companies.

Knowledge of specific concepts that are essential when it comes to dealing with the pay gap, such as the correct evaluation of jobs and their practical application at the time of establishing remuneration systems, treatment of salary bonuses from the gender perspective, are concepts that have not yet been consolidated in negotiating committees, since gender bias is still present.

Furthermore, in addition to specific training, a greater female presence is required in negotiating committees. Guaranteeing gender balance in negotiating teams is crucial since, apart from general themes of collective bargaining, other measures are dealt with that have a large impact on women's labour conditions, such as flexi-time, the treatment of sexual and gender-based harassment... acquiring special importance in masculinised sectors.

Women's empowerment within union organisations will undoubtedly help to eliminate gender discrimination in the workplace and, therefore, eliminate the pay gap.



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