

Pay transparency and role of gender-neutral job evaluation and job classification in the public services



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1. Introduction

The gender pay gap (GPG) in the EU remains at 14.1 % based on unadjusted gross hourly earnings (Eurostat 2021). Limited progress has been made in narrowing the pay gap in recent years. One of the critical issues that needs to be tackled is the link between gender pay inequalities and the undervaluation of work in feminised jobs and sectors. Even with the same educational attainment, jobs with higher levels of feminization are systematically pay less. Data from the European Structure of Earnings Survey shows that wages tend to be lower in enterprises that are highly feminized than in enterprises that are otherwise similar in terms of number of employees, economic sector, ownership and type of collective pay agreement (ILO 2019). Research by the Danish Centre for Social Science Research (VIVE 2019, cited by FOA) found that when the proportion of women in a profession increases by 10 %, wages fall by 3.9 %. This exists because of deeply rooted historical and structural gender pay inequalities in the public services, particularly in care and social services sectors.

This report has a specific focus on gender-neutral job evaluation and job classification schemes as tools to address the undervaluing of work predominantly carried out by women. It argues that gender-neutral job evaluation and classification are a critically important part of strong pay transparency measures in the forthcoming EU Directive on pay transparency for the application of equal pay for work of equal value. In building the case for a strong pay transparency Directive, the European Federation of Public Service Unions (EPSU) in collaboration with the European Trade Union Institute (ETUI), decided to carry out this piece of research. It shows why gender-neutral job evaluation and classification schemes are an essential part of pay transparency in the public services. It also summarises evidence, good practices and learning from public service unions in Europe and internationally, with the aim to point to a new direction for achieving equal pay for work of equal value in the context of pay transparency.

The principle of equal pay for work of equal value is embodied in the EU Recast Directive on equal opportunities and equal treatment (2006/54/EC). In recent years it had become increasingly apparent that equal pay laws and the EU Recast Directive fall short of the full application of the principle of equal for work of equal value. The EU Recommendation on Pay Transparency in 2014 was an attempt to address the lack of transparency in pay, but was poorly implemented (European Commission 2017). Recognising the need for new binding legislative provisions and a proactive approach, on 4 March 2021 the European Commission published a proposal for an EU Directive on pay transparency,¹ following a long campaign by unions across Europe.

¹ European Commission, Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms. Brussels, 4.3.2021 COM (2021) 93 final.

The COVID-19 pandemic and the need for strong pay transparency measures

COVID-19 has spotlighted how the unfair market-determined salaries of workers such as cleaners, retail, transport, care and healthcare workers have diverged from the real value that they provide to society and the economy. It is long past time that low-wage workers secure a permanent income boost to earn a fair wage with adequate benefits. (EPSU 2020:2)

The COVID-19 pandemic has had a disproportionate impact on women (European Commission 2021). The effects of the COVID-19 pandemic in driving down wages has hit women the hardest, with risks that existing gender inequalities and the GPG will widen. The crisis has affected lower-paid workers severely, and without temporary subsidies introduced in Europe, the lowest paid 50 % of workers would have lost an estimated 17.3 % of their wages (ILO 2021). In addition, women have carried out an increased burden of unpaid domestic and care work at home. Workers in front line public health services have faced many risks to themselves and their families in an increasingly hostile working environment. The pandemic has led to pay increases and the award of bonus payments for health workers in some countries, although this has not gone far enough in addressing the undervaluing of care work. In the UK, following pressure from unions and the public the government was forced to extend visas and to waive health care costs for migrant health care workers, who are amongst the lowest paid of all health workers (Pillinger and Yeates 2020).

The essential role played by these workers during the Covid pandemic calls for a systematic re-evaluation of their pay, so that their true contribution is properly valued and paid. (ETUC, 2021: 1)

On a positive note, the pandemic has also raised the critical importance of the value, visibility and recognition of women's work in front line public services, such as cleaning, childcare, social care, residential care for the elderly and front-line community and health care services. At the same time It has highlighted the continued undervaluing of work predominantly carried out by women. It has also highlighted the importance of good quality work and fair pay as part of a wider strategy for significant social investment in good quality universal public health, care and welfare services, where everyone is protected.

The COVID-19 crisis has shone a light on parts of this workforce and essential workers in the, typically female, caring and cleaning workforces are receiving increased recognition for their work. With this recognition, have come calls to address the pay and conditions of these workers. (OECD 2020:1)

Without a gender-responsive recovery to the crisis, there is a danger that the gender care gap and the GPG will further widen, disadvantaging lower paid women in feminised sectors. This adds urgency to the need to plan for gender-responsive measures in the labour market, including the re-evaluation of jobs in female-dominated low-paid sectors.

The proposed EU Pay Transparency Directive

The European Commission's proposal for a Pay Transparency Directive addresses binding measures on pay transparency aimed at strengthening the application of the principle of equal pay for work of equal value, including the introduction of gender pay reporting. While trade

unions are clear that the proposed Directive is an important step forward, it does not go far enough in addressing the vital role of trade unions. A strong Directive represents a once-off opportunity to address the structural causes of the GPG and the undervaluing of work carried out predominantly by women. The ETUC's Resolution on the proposed Directive on pay transparency sets out four main priorities.

Summary of the ETUC Resolution on the proposed Directive on pay transparency

The Resolution was adopted at the ETUC Executive Committee on 22 March 2021. The ETUC welcomes the fact that workers in the public and private sectors will have the right to obtain certain information about their pay and that employers will be required to publish information about the GPG and take action to tackle the gap.

Priority 1: Guarantee that trade unions can be involved in job evaluation and guarantee the right of trade unions to bargaining to close the pay gap. This includes the right of trade unions to represent workers and collectively bargaining to close the pay gap, and for a definition of workers' representatives embodied in trade unions rather non-union bodies. Calls are made for trade union involvement in assessing the criteria for equal pay for work of equal value; for trade unions to receive information for each category of pay; for comparisons to be made across sectors; for trade unions to be involved in determining how the pay gap is measured; and an obligation for employers to negotiate a plan to close the GPG.

Priority 2: All companies regardless of their size should make reports and joint assessments, every two years for companies with over 50+ employees and every three years for companies of less and 10 employees (as opposed to 250+ employees in the proposed Directive).

Priority 3: Remove the restrictions on pay transparency. This would mean ending secrecy and thus enable workers to discuss and disclose their pay with their colleagues and trade union; that an employer provides gender-disaggregated information on an annual basis on average pay for groups of workers and the organisation as a whole; and ensure that GDPR rules are not used as an obstacle to pay transparency, including that workers have the right to discuss their pay with their trade union.

Priority 4: Strengthen enforcement provisions. This includes the possibility for workers and trade unions to take class actions; for Member States to restrict access to public contracts where companies have a GPG of more than 5 % and that refuse to bargain with trade unions to close the pay gap; and that Equality and Monitoring Bodies involve the social partners in tripartite structures.

Strategies and initiatives adopted by trade unions

Promoting equal pay for work of equal value, including non-discriminatory pay systems, has been a long-standing commitment of EPSU and affiliated unions. EPSU has documented many of the problems, including the undervaluation of care work predominantly carried out by

- Pay transparency measures introduced through gender pay reporting, pay surveys and equal pay audits aimed to highlight discriminatory pay setting.
- Additional pay increases for low paid workers in predominately female occupations and/or flat rate increases which benefit lower paid workers, on the basis that over time they will catch up with the higher wages in predominantly male sectors.
- Establishing gender neutral job classification systems to ensure non-discriminatory pay and grading systems, and that different wage groups are treated equally and in a streamlined way.
- Gender-neutral job evaluation schemes, through the development and application of non-discriminatory job factors that aim to increase the value and pay of predominantly female jobs.

Collective bargaining should be strengthened in the Pay Transparency Directive so that it plays a role in uncovering and addressing some of the unexplained² or structural causes of women's unequal pay in the public services, including:

- ² The unexplained GPG is the element of the pay gap that is not accounted for, and can include discrimination, undervaluing of work carried out by women and gender bias in determining rates of pay for women and men. For further information see: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay/gender-pay-gap-situation-eu_en#why-do-women-earn-less

2. The role of gender-neutral job evaluation and job classification

What is gender-neutral job evaluation?

Job evaluation has been used as a management tool in the public sector across Europe and internationally in determining the demands of the job and job requirements in setting pay. It is a tool for assessing the value of jobs against factors such as the level of skill, effort, responsibility, and working conditions. Its use in Europe is far more widespread in the public sector compared to the private sector (Veldman 2017). Traditional job evaluation methods are often gender biased, discriminatory, reinforce pay inequalities and the undervaluing of women's work (Acker 1989, Rubery and Koukiadaki 2018). They may prioritize the content of male-dominated work and, in doing so, exclude and devalue a substantial part of the content of jobs typically carried out by women (Saari et al. 2019). Traditional job evaluation methods and job classification systems designed on the basis of the requirements of male-dominated jobs, often allow more possibilities for career progression, compared to female-dominated jobs. A further issue is women's weaker bargaining power and the fact that women disproportionately hold part-time or precarious jobs (OECD 2019). Women's lower working hours, part-time work and disproportionate care responsibilities further add to the GPG. Job evaluation schemes will perpetuate existing inequalities if they are not designed to address equal pay for work of equal value. The undervaluing of women's work is systemic and historical, reinforced by vertical and horizontal occupational segregation in the labour market, where women predominately work in sectors where their work is lower paid and undervalued, compared to sectors with a predominantly male workforce.

Gender-neutral job evaluation and classification are important tools to address the elements of discrimination that still account for a substantial part of the 'unexplained' or structural causes of unequal pay in public services, and specifically the undervaluing of women's work (Rubery & Johnson 2019, Müller 2018, Foubert 2017, Pillinger 2014). They can uncover discriminatory assumptions, prejudices and stereotypes leading to the undervaluing of predominantly female jobs, such as skills that women possess 'naturally' or acquire through life experience, and which are often left out of job evaluations.

Gender-neutral job evaluation became more commonplace as a tool for implementing equal pay for work of equal value from the 1980s onwards, initially in the USA through systems for

‘comparable worth’, and later through pay equity strategies in Canada, and the development of job evaluation schemes in the UK and several other EU Member States. Unions have been active in ensuring that new pay systems introduced in the public sector, for example, in the Netherlands, Finland and the UK, were gender-neutral and non-discriminatory. Various analytical gender-neutral job evaluation methods have been developed (for summaries of these see ILO 2009, European Commission 2013).

An important part of pay transparency is to ensure that existing job evaluation schemes, and the design and processes involved, are gender-neutral. Gender bias or discrimination may be detected, for example, in awarding points against factors or sub-factors that favour the skills held by jobs predominantly held by men and not recognising skills considered to be “women’s work”. Furthermore, rates of pay for jobs of equal value may vary significantly between one sector and another because of the strength of unions and negotiations, which may be linked to market factors.

It is important that the design and implementation of gender-neutral job evaluation schemes are included in collective bargaining. This will enable unions to contribute to the development of new gender-neutral schemes and critique existing ‘so-called’ analytical job evaluation schemes that are used to bypass collective bargaining and maintain inequitable pay structures.

As well as implementing gender-neutral job evaluation and classification as part of the strategy for achieving equal pay for work of equal value, attention needs to be given to changing power relations and deeply embedded gender stereotypes about women’s and men’s roles in work and the family and how they play out in wage negotiations.

Without attention to the gendered nature of wage setting, collective agreements will continue to institutionalise and legitimise the undervaluation of women’s work (Pillinger 2014, OECD 2020, Koskinen-Sandberg & Kohvakka 2018). Collective bargaining can be a tool to agree new or revised pay systems that are designed to systematically address the undervaluing of work predominantly carried out by women, leading to gender neutral pay and grading systems. However, changing historically established and institutionalized pay practices and wage relativities can be a challenging task. One of the problems is that in most countries separate collective bargaining agreements exist for different sectors and different employee groups, which contributes to maintaining gender pay differences, including between public and private sectors and between female and male dominated jobs and sectors. There is also a need for caution as changes in wage structures can be used by some employers to undermine collective bargaining rights.

What is in the proposed Directive on job evaluation and classification?

Article 4 of the proposed Directive sets out pay transparency measures to ensure that women and men are paid equally for the same work or work of equal value, including the role of gender-neutral job evaluation and classification (see box below). This recognises the importance of tools for gender-neutral job evaluation and classification, and importantly the need for objective and gender-neutral criteria that take account of training, skills, effort and responsibility, work undertaken and the nature of the tasks involved. An important provision was introduced, following lobbying from the ETUC, for a hypothetical comparator or other evidence to demonstrate the undervaluing of work. This is critical as it recognises the need

to address the lack of comparators in feminised workplaces and the reality of occupational segregation.

Article 4 of the proposed Directive on equal pay for work of equal value

1. Member States shall take the necessary measures to ensure that employers have pay structures in place ensuring that women and men are paid equally for the same work or work of equal value.
2. Member States shall take the necessary measures ensuring that tools or methodologies are established to assess and compare the value of work in line with the criteria set out in this Article. These tools or methodologies may include gender-neutral job evaluation and classification systems.
3. The tools or methodologies shall allow assessing, in regard to the value of work, whether workers are in a comparable situation, on the basis of objective criteria which shall include educational, professional and training requirements, skills, effort and responsibility, work undertaken and the nature of the tasks involved. They shall not contain or be based on criteria which are based, whether directly or indirectly, on workers' sex.
4. Whenever differences in pay can be attributed to a single source establishing the pay conditions, the assessment whether workers are carrying out the same work or work of equal value shall not be limited to situations in which female and male workers work for the same employer but may be extended to that single source. The assessment shall also not be limited to workers employed at the same time as the worker concerned. Where no real comparator can be established, a comparison with a hypothetical comparator or the use of other evidence allowing to presume alleged discrimination shall be permitted.
5. Where a job evaluation and classification system is used for determining pay, it shall be based on the same criteria for both men and women and drawn up so as to exclude any discrimination on grounds of sex.

Other references to gender neutral job evaluation and job classification are made in Article 9 (the use of gender-neutral job evaluation and classification in establishing the objective justification for pay differences, and Article 11 with reference to the role of the social partners in setting up gender-neutral job evaluation and classification.

A priority for unions across Europe is to ensure that there is an obligation on employers to agree with unions the criteria for assessing jobs through gender-neutral job evaluation and classification. Trade unions can play a vital role in uncovering gender bias and ensuring gender-neutral assessment criteria and job factors. Without trade union involvement there is a danger that job evaluation and classification systems are used as a pretext by employers to justify continued pay differences. Furthermore, it is critical that the provision of a 'hypothetical' comparator ensures that cross-sectoral comparisons can be made with jobs predominantly

carried out by women, for example, in care and cleaning. As the ETUC (2021) argues, while the Directive and EU case law recognise this in principle, it is essential that it is not left up to employers to decide the jobs that can be selected for comparison.

Learning from union involvement in gender-neutral job evaluation and classification

Pay transparency can play an important role in identifying existing inequalities and bias in job evaluation and classification schemes, which may have been invisible and where wages and benefits masked significant historical inequalities in pay and grading. This is often the case when women's and men's jobs are separated into separate pay bands and/or bargaining groups. The examples discussed below show different ways that equality has been achieved in job classification systems and how gender-neutral job evaluation has been used to revalue jobs traditionally held by women, as well as lessons for unions in avoiding some of the pitfalls and problems that can occur.

Even where there has been active union involvement in drawing up gender-neutral job evaluation schemes, the principles underpinning these schemes have often been compromised and the results distorted in order to accommodate reduced costs for governments. In the early education sector in Finland where wages are low and where employers were mandated to carry out job evaluation, a so-called 'wage cartel' was agreed by municipalities as a way keeping the wage bill low and consequently maintaining the low wages in the sector (Koskinen-Sandberg 2021). In 2018, the media revealed that three municipalities in the Finnish capital had secretly agreed not to compete with each other by paying higher wages for early education teachers even though there was a severe shortage of labour. This resulted in public outrage and the No Play Money social movement involving parents and trade unions that demanded higher wages for early education teachers. The lack of resources (or priority) in the public sector to funding pay rises that implement the findings of job evaluation assessments has been a further problem, limiting the potential effects of gender-neutral job evaluation, as was the case with the implementation of the Single Status Agreement in the UK local government (see below).

French unions have treated the implementation of job evaluation in the public and private sectors with caution following the introduction of new job classification grids introduced in 2014. While unions saw this as an opportunity to address women's undervalued work, the employers saw it as an opportunity to reduce wages. At the time the unions argued that in the absence of gender-neutral criteria there was a danger that women's pay could deteriorate (Pillinger 2014). Furthermore, without additional funding, employers argued that increases in women's wages would have to come from a reduction in men's wages. French unions have argued that it is important to have objective criteria that address the undervaluing and the overlooking of women's skills (such as problem solving tasks, emotional-care skills, multitasking, extension of technology in administrative work, time management etc.). Despite the general reclassification of the public service job in 2006, there was no benefit for jobs in the health and social care sector as the job evaluation neither took into account the atypical nature of the work in the sector nor did it assess the level of hardship in working conditions accurately. This led unions to call for a new job evaluation in the hospital sector with particular reference to certain professional categories such as specialised nurses, physiotherapists and nursing assistants. The CFDT has focused on entry level pay and commissioned a study (CFDT 2019) to compare pay levels across eight different sectors, including health and social care and seven male-dominated sectors in the private sector, such as building, glass, and metallurgy.

Comparing equivalent years of training, the study showed that the health and social care sector starting salaries are consistently well below the other sectors and that for example, while a builder would earn €100 net, a nursing assistant would earn €86 net. The study also compared average salaries and the disparities between sectors and showed that health and social services have the lowest average salaries. The cross-sectoral study clearly reveals the GPG and is being used to strengthen negotiations for job reclassifications in both the public and private health and social care sectors. Another area that the CFDT considers a priority is to develop clear, objective and measurable criteria for bonus payments as at the moment these payments are not included in the pay reports and they are an important source of gender pay inequalities.

Properly funded public services, with dedicated funding for higher pay rises for workers whose work has been re-evaluated, is critically important to ensuring that the outcomes of gender-neutral job evaluation are acted upon so that they systematically address the undervaluing of women's work.

Despite the limitations outlined above, properly executed and funded gender-neutral job evaluation remains one of the most important tools for achieving equal pay for work of equal value and is the basis for challenging market-based, social norms and gender biased assumptions that are often built into the pay setting (Pillinger 2014, Whitehouse and Smith 2020). It can have potentially transformational effects.

Good practice examples of agreements on gender-neutral job evaluation and classification exist in several European countries, and some unions have developed and implemented successful gender-neutral job evaluation using objective and analytical criteria. These are typically based on factors and sub-factors (skill, effort, responsibility and working conditions) that address all aspects of the value of work carried out in different occupations. Gender-neutral job evaluation is crucial in ensuring that factors used in job assessments are inclusive of all aspects of work carried out, including factors that address overlooked elements of work carried out predominantly by women. These include overlooked job factors such as acquired learning, emotional/empathy skills, working with people with complex problems, dealing with difficult customers, emotional demands, communication skills, multitasking, lifting or moving people who are frail, restrictive light repetitive movements, exposure to chemicals and corrosive cleaning products etc.

An important part of implementation is to ensure guidelines and training for negotiators on these schemes. Various tools and methods have been introduced to ensure that job evaluation systems are gender-neutral and non-discriminatory, including guidance and checklists drawn up by and with unions, for example in Belgium, France, Luxembourg, Germany and the UK and by government equality bodies in Belgium, Spain, France and the UK. To date, the most detailed guidance on carrying out gender-neutral job evaluation can be found in a comprehensive guide published by the ILO (2009), which puts an important emphasis on the role and participation of the social partners. This is referred to in several guidance documents, including the review framework for gender-neutral job classification in Belgium.

Examples include the introduction of a transparent pay system Finland in 2008, which contained gender-neutral criteria on job-evaluation and performance-based pay. In the UK, the introduction of new pay and grading systems in the public sector used gender-neutral job evaluation to address the undervaluing of women's work and to remove discriminatory pay structures. In Germany, negotiations and strike action by workers to address the undervaluing of jobs in municipal social and child care services, resulted in an agreement for a new pay and

grading system in 2015 (Müller 2019), although the renewal of the agreement has been put on hold since the COVID-19 pandemic.

Sustaining these measures has been challenging during the COVID-19 pandemic and in the light of the waning of interest in these tools in recent years. The shift in emphasis to GPG reporting as a tool for equal pay has also forced unions to shift priorities, as has been in the case for unions in the UK. It is important that all pay transparency measures, including gender pay reporting, guarantee the use of gender-neutral job evaluation and classification as tools to address the undervaluing of feminised jobs and sectors.

The examples of the successful use of gender neutral job evaluation and classification discussed below include initiatives developed by unions and/or with the involvement of unions in Iceland, Austria, UK and Belgium. The Icelandic Equal Pay Standard (IEPS) is an example of the systematic integration of job evaluation as a tool for achieving equal pay for work of equal value in practice and is one of the best examples from across Europe. It is based on a certification system which verifies if a company or organisation's equal pay system is fair and non-discriminatory. It includes both job evaluation and transparency in the performance award system, and shifts the burden of proof onto the employer to ensure transparent systems are in place for valuing different jobs. The measures introduced under the IEPS, including a legal duty to implement gender-neutral job evaluation and classification and sanctions for non-compliance, are viewed as being essential to ending the undervaluing of work predominantly carried out by women.

The second example, from Austria, shows that despite a low use of gender-neutral job evaluation and limited scope for it in the current law, an attempt has been made to revalue the work of lower paid cleaners in the national collective agreement for cleaners which had separate pay grades for the different jobs predominantly carried out by women and men. This example is important because it can give some learning about the increasingly common use of contracting-out of cleaning services, often at reduced pay. The initiative also called into question the inherent bias in the grading systems and through gender-neutral job evaluation has led to a commitment to ensure equal pay for work of equal value. It also highlights the importance of having strong laws that strengthen the role of collective bargaining, along with measures to prevent outsourcing becoming a mechanism to avoid increasing the pay of undervalued women workers in the public sector. In this respect, the growing support for public procurement in the EU to be conditional on collective bargaining is an important development that could be a first step for this principle to be applied to all future public sector outsourcing regimes.

The third and fourth examples from UK build on a long history of union initiated and developed gender-neutral job evaluation as a tool to address discriminatory pay systems through the creation of simplified classification systems in the form of single pay spines in local government, health and higher education. Through gender-neutral evaluation criteria, designed with union representatives, gender-neutral job evaluation resulted in substantial pay rises for workers in revalued care and cleaning jobs, which had a real impact on reducing the GPG. Separate job evaluation assessments have also been made in central government, with the participation of unions. The importance of sustaining the gains made has been critical, particularly as the implementation of agreements was affected by austerity measures in the public sector and shifting priorities. The fifth example, from Belgium is specific to the development of gender-neutral job classifications which initially was agreed through collective bargaining and later

became mandatory in the law. There is some important learning from this initiative about the role that unions have played in ensuring gender-responsive approaches.

Job evaluation and the Icelandic Equal pay Standard

The Icelandic Equal Pay Standard (IEPS) (IST 85:2012) is a job evaluation tool developed as part of the Icelandic gender equality policy, with the objective to close the GPG by 2022. It is widely regarded as a best practice of how equal pay for work of equal value can be achieved. The IEPS was drawn up by the main tripartite labour market institutions (Icelandic Confederation of Labour, Confederation of Icelandic Enterprise, and Ministry of Welfare), and became mandatory in 2018. Companies and institutions with 25+ employees have to gain certification from the centralized IEPS to verify that their equal pay system is fair and non-discriminatory. It includes both job evaluation and transparency in the performance award system, and shifts the burden of proof onto the employer to ensure transparent systems are in place for valuing different jobs. If a company does not obtain certification by the deadline, it will receive a fine of up to ISK 50,000 (approx. €397) per day.

IEPS is designed to assess a company's pay policies and wage-setting processes to ensure equal pay for work of equal value. The certification requires evidence that a uniform and non-discriminatory system has been established for comparing jobs through a job classification and job evaluation ranking system, across four main criteria: expertise, responsibility, effort, and work environment, and sub-criteria must be formulated and weighted in ways that are relevant to each company or institution. Weighting system can be adjusted to suit the company profile, and the social partners are responsible for monitoring compliance and the renewal of certification every three years. Each employer can decide how they carry out job assessments and there is no one standard way that this has been carried out in the public sector. The appendix of the Standard give information about one type of job classification system. According to the Icelandic Confederation of State and Municipal Employees (BSRB), implementation of one standard system would be beneficial as this can help to ensure the more effective application of gender-neutral job evaluation. A government survey of 76 certified companies, carried out in April 2019, reported generally positive implementation. Positive outcomes of the certification system include increased quality of human resource management and pay systems, better account taken of intersecting forms of discrimination, and improvements in job evaluation systems to detect undervaluing and related upgrading of salaries (Thorgeirsdóttir 2019). However, a big challenge for companies has been in classifying jobs of equal value. In the future, unions hope that it could be used as a tool for comparisons at a sectoral or national level.

There is still insufficient awareness about how it can be used as a tool to recognise the value of work predominantly carried out by women (Wagner 2020). According to Sonja Ýr Þorbergsdóttir (President, BSRB), there are limitations in that the standard applies to women and men working for the same employer and therefore does not address the problems related to the gender segregated labour market as "proportionally women are the majority of workers in the public sector here in Iceland." Each employer decides on the criteria for the wage decision based on the employee's job demands - so it can be any type of pay system as long as it complies with the Art. 19 of the Equal Rights Act,

which states that women and men working for the same employer shall be paid equal wages based on non-discriminatory criteria and enjoy equal terms of employment for the same jobs or jobs of equal value.

The BSRB public services federation is involved in ensuring that assessments of equal pay for work of equal value are carried out in the public sector. There is evidence already of a decrease in the GPG in the public sector after equal pay certification, such as for Reykjavík municipality. BSRB has been exploring new strategies, including a shorter working week, that can contribute to implementing the Standard and to tackling some of the structural causes of the GPG that result from a gender segregated labour market. The government has established a Working Group with the social partners to explore new measures aimed at correcting the systematic undervaluation of feminised jobs. The Working Group is expected to publish proposals in 2021.

Job evaluation in the cleaning sector in Austria

In an Austrian context, non-discriminatory criteria relating to job evaluation and classification has, to date, not been addressed in collective bargaining for different wage groups. In female dominated sectors, even though women are classified as having lower wages, there are no procedures for identifying bias that leads to undervaluing of work, and an absence of tools for analytical and gender-neutral job evaluation. The issue reappeared recently in the cleaning sector and unions hope that the proposed Pay Transparency Directive will help establish stronger provisions on carrying out job assessments for equal value.

In 2019 a legal report by Prof. Klaus Mayr, commissioned by the state equality body, the Obmud for Equal Treatment, which has a role to support the implementation of the law, and VIDA trade union. It led to an independent assessment of two separate wage groups in the cleaning sector in the industrial cleaning Collective Agreement. A comparison was made of Wage Group 6, made up of 80 % of women carrying out “Unterhaltsreinigung” industrial cleaning in offices and production sites, with an hourly wage of €9,38 per hour, with Wage Group 3, predominantly men carrying out “Sonderreinigung” so-called special cleaning such as windows, carpets and machines, with an hourly wage rate of €10,38. The work was assessed as being equal following an assessment that compared qualifications, work tasks, areas of application. Agreement was reached to equalise the wages at the higher hourly wage rate of €10,38. The report also proposed changes in the Equal Treatment Law with regard to introducing criteria for job classification in individual contracts, in a works agreement (between the works council and company), or a sectoral collective agreement (concluded with unions and employers federations at the sectoral level), with non-discriminatory criteria based on the principle of equal pay for work of equal value, taking into account criteria and job factors relevant to men’s and women’s jobs such as achievements, burdens, stress of tasks ascribed to women such as care work, which are often less visible. These should take into account responsibility for psychological and physical well-being of persons, factors impacting on burden and stress such as time pressures, psychological stress, and physical tasks such as lifting people. Differences in pay resulting from the analytical procedure of job evaluation

would also need to be acted upon, and account would need to be taken of overtime pay, bonuses etc.

One of the problems identified in the industrial cleaning sector is that cost pressures are exacerbated through public procurement procedures, whereby the focus is on price rather than quality, thereby setting limits on the pay of cleaners. This example of the application of job evaluation may be the first step in building a strong case for services to remain in the public sector. The report is due to be discussed at a seminar on 17 June 2021 to jointly consider the next steps.

UK agreements leading to the introduction of gender-neutral job classification and job evaluation in health, local government and higher education

A strategy to address gender inequalities in job classifications was adopted by UNISON and other UK unions (GMB and Unite) in the health service and local government. The Single Status Agreement in Local Government (1997) and Agenda for Change in the National Health Service (2004) are examples of national agreements that improved pay transparency and addressed historical pay inequalities through the application of equal pay for work of equal value. The Single Status agreement resulted from the introduction of a single pay spine and one collective bargaining structure covering all occupations. Job evaluation, designed with trade unions and workers affected by undervaluing, was used to ensure pay rises for workers in undervalued feminised jobs such as care and cleaning. The agreement aligned different pay bands and collective agreements into one pay system, resulting in a major overhaul of the pay and grading structure. The gender-neutral job evaluation scheme affected 1.4 million workers, resulting in one of the most widespread and ground breaking job evaluation schemes undertaken with trade unions, leading to the restructuring of the grading structure. The definitions and scope given to the job assessments were important in informing gender-neutral approaches, expanding the traditional notion of skill in formal training and qualifications, to informal training and acquired learning and experience. In relation to working conditions, attention was given to overlooked areas such as unpleasant working conditions faced by social care workers. However, in the absence of resources for local authorities, implementation has proven difficult, with settlements for some workers only now being reached over twenty years after the pay increases were first negotiated, as was the case for 8,000 women employed in homecare, schools and nurseries, cleaning and catering services in Glasgow City Council, who in 2019, after a 12 year battle, won the pay rises to which they were entitled. Despite these setbacks, some proactive measures have been introduced in recent pay agreements that have helped to address the drift away from the job evaluated differentials in order to maintain equal pay for work of equal value in the future. As a result of these measures the GPG narrowed in local government from 5.3 % to 2.7 % (ADAPT et al. 2021).

Agenda for Change for the National Health Service covering more than one million health workers, excluding doctors, replaced over 20 collective agreements, introduced a single pay spine and bargaining system. It likewise included a gender-neutral job evaluation scheme, leading to significant pay rises for low paid workers who were predominantly

women: cleaners, domestics, health-care support workers and laundry assistants. Similar schemes have been introduced for low paid workers in the UK Higher Education (HE) sector, where gender-neutral job evaluation has been used as a tool improve the pay of low paid women workers in admin and cleaning. There is also a single national pay spine but grades and grade boundaries (around how many incremental points and the number of incremental points) is determined at local HE level. UNISON and the other HE trade unions have worked with the employers and the external body, the Educational Competencies Consortium (ECC) for over 20 years to create an equal pay approved job evaluation scheme for the sector – the Higher Educational Role Analysis (HERA). This is still in use in many universities in UK today. UNISON has worked with the ECC to provide introductory training to UNISON reps on this scheme. The scheme aims to be gender neutral and also recognises some of the soft skills that the largely female workforce bring to their work in education, which other job evaluation fail to recognise and take account of.

These initiatives were all union led and involved training of trade union representatives who were represented in job evaluation panels and the implementation of job evaluation schemes. While the agreements remain in place, the gains from the agreements have been undermined by outsourcing of services, performance related payment systems, along with bonus payments which were not included in the agreements and which largely benefit male workers. Furthermore, austerity measures led to significant problems of implementation. Despite these setbacks gender-neutral job evaluation had a transformational effect in revaluing highly feminised work and reducing the GPG in those sectors. It has also been the basis for several landmark cases in the UK courts, for example, enabling speech and language therapists to gain equal pay with higher paid clinical psychologists and/or hospital pharmacists employed by the same health authorities.

Implementing equal pay for work of equal value in the civil service

In the UK Civil Service pay bargaining is delegated to multiple bargaining units, which are controlled by Civil Service Management Code. The Code sets out pay and grading arrangements which have to be evaluated every three years in line with equality proofing principles set out in the statutory Code of Practice on Equal Pay, which includes guidance on gender-neutral job evaluation. As a result every three years the unions should be involved in an equal pay audit of local pay systems. In addition, under the Public Sector Equality Duty, individual government departments are expected to ensure that pay and grading arrangements fall in line with the annual Civil Service Pay Remit Guidance, including an Equality Impact Assessment. According to Public and Commercial Services union (PCS), a lot of pressure has been put on the employer to ensure that these audits are carried out, as they do not always take place in a systematic way. The unions want to return to carrying out these more detailed pay audits and to ensure they include the undervaluing of work predominantly carried out by women.

³ <https://www.gov.uk/government/publications/job-evaluation-and-grading-support-jegs-for-civil-servants>

The Civil Service grading system is also underpinned by a job evaluation system, the Job Evaluation and Grading Support (JEGS).³ In each government department a trained pool of union JEGS evaluators and unions have been directly involved in grading exercises. However, because of the imposition of so-called delegated bargaining there are limitations, not least because the principle of equal pay for work of equal value does not operate across the Civil Service. This has been challenged by the union, who took a legal action seeking to achieve equal pay for work of equal value between departments. However, the case failed in the courts and the PCS recently took legal advice in view of taking a further case. PCS is also campaigning for equal pay across the different departments of the civil service, and one way forward is to band together a number of bargaining units in sectorial pay claims for equal pay.

Gender-neutral job classification: learning from Belgium

The law of 22 April 2012 introduced obligations on medium-sized and large companies to conduct the screening of job classifications in order to ensure their gender neutrality. The origins of this date back to the national Collective Labour Agreement 25 (CLA 25) agreed in 1975, which introduced measures on equal pay for work of equal value, including gender neutral job classification systems. The law subsequently introduced an obligation on employers to address the GPG at all levels of social dialogue, and made it compulsory for joint committees⁴ to ensure that job classifications are gender-neutral. It also included the requirement for companies to produce bi-annual company reports on the pay disaggregated by gender and a provision for the appointment of a company gender mediator. The public sector was excluded on the basis that wages are negotiated differently in the public sector and more strictly regulated. The Institute for Equality Between Women and Men (2021) has recommended that because the existing GPG is a result of vertical segregation (the fact that women and men do not work at the same job level) the focus should be on the under-representation of women in managerial positions. However, this misses the issue raised by many public sector unions about the systematic undervaluing of work in the public sector. The law is, however, relevant for public services that may be contracted out to medium-sized and large companies.

At an early stage, Belgian unions reported that requirements to introduce job classification had been poorly implemented, leading to the development of indicators and gender-neutral criteria in carrying out equal value comparisons. The resulting Checklist 'Gender neutrality in job evaluation and classification' was drawn up by union experts with the Institute for the Equality of Women and Men and made available to the social partners in four languages via the Institute's website. It gives detailed guidance on how to ensure that job classification systems are gender-neutral and how to carry out job evaluation using objective criteria across six broad criteria (knowledge and qualifications, problem solving, responsibilities, communication, team work and team management, and the

⁴ Under Belgian law joint committees, made up of recognised trade unions and employers organisations, supported by the Ministry of Labour, are established to collectively agree wages at sectoral level.

working environment). The checklists contained in the guidance have been used in training with trade union activists and in negotiations with companies and at sectoral level.

Job classifications are reviewed periodically by a government appointed committee based on a checklist of 12 questions. The first question asks if an analytical method of job evaluation was used in the development of the job classification. Reference is made to the ILO's (2009) guidance that each job should be valued on the basis of valuation criteria that cover at least the following four aspects: skills or qualifications, effort, responsibility and working conditions. Companies not complying with the review are named on a government website, the most recent of which found that six joint committees had not regulated their classifications and a further six had not submitted their classifications (out of 150). In 2011 the Belgian Federal Public Service Employment, Labour and Social Dialogue (FOD WASO) asked joint committees to assess their sector job classifications on the basis of the checklist and the results of this were reported by the FOD WASO at a seminar in 2015. The first part of the test for gender neutrality is to ensure gender-neutral job titles in the sectoral classifications. Preliminary results indicated that 1 in 4 of the coordinated texts contain job titles with a reference to gender and 2 out of 3 of the coordinated versions have a score of <7.5 out of 15 on the good practice test and would therefore be recommended a revised classification. This is an ongoing process of revision and awareness raising to ensure that in the future all joint committees review their job classifications. As in other countries, the system is limited because there are no sanctions for non-compliance and the greater level of decentralised wage bargaining and individualised performance-related pay.

These examples show different approaches to the use of job evaluation and classification in ensuring analytical gender-neutral systems. They show elements of a systematic approach that addresses job titles and job descriptions, and the process of assessment with job factors and sub-factors that bring to light overlooked skills, job capacities and work environment factors in feminised jobs. Crucially these took place with union involvement, through national tripartite dialogue in Iceland establishing a certification system; the upgrading of women's pay in the cleaning sector collective agreement in Austria; the re-evaluation of work in feminised sectors in the UK in local government and health; and the emphasis on a sectoral approach to gender-neutral job classification in Belgium. In all cases, however, job evaluation and classification is limited to a specific company or organisation, and not wider cross-sectoral comparisons. We return to this issue later by discussing two international examples that are particularly relevant to making comparisons with a hypothetical worker(s) and establishing equal pay for work of equal value by addressing undervaluing of jobs where equal value may not be determined in practice.

Despite some of the inherent problems in the implementation of these systems, the methodologies used offer approaches for gender-neutral job evaluation and classification that have potential to identify the deeply rooted and historical undervaluation of jobs in feminised sectors. These schemes have typically utilised the factor/points comparison method where a number of factors and a point scoring system is employed to analyse different jobs. They form the basis for unions to play a role in tackling pay inequalities that exist because of a combination of occupational segregation, historical male bargaining priorities and market forces (Rubery and Koukiadaki 2018). In practice gender-neutral job evaluation schemes have

been most effective where differentials between grades are not too wide and where jobs have been assessed to be of equal value.

However, there are limitations as these schemes are restricted to one organisation or sector. This is one reason why notion of a hypothetical comparator is so important for the public sector and there is a growing level of support for the development of cross-sectoral comparisons. The restricted interpretation of the concept of work of equal value to the same company led the Belgian Institute for Equality between Women and Men (2021) to recommend the development of a tool to define work of equal value across sectors, and be made available online. A further problem is that the law does not provide for pay to be proportional to the value of a job where significant differentials exist, even if the difference in the value of the work is marginal (Rubery and Johnson 2018). **As a result it is important to consider how to increase the pay in undervalued jobs carried out predominantly by women, based on a principle of proportionality to male earnings in jobs that do not necessarily have the same value.**

International examples: New Zealand and Canada

The approach taken in Canada and New Zealand, can be illuminating for trade union strategies in looking to establish equal pay for work of equal value and the wider undervaluing of feminised work. The approach in addressing the undervaluing of feminised care work in New Zealand is interesting because it starts from the basis that equal value comparisons are unlikely to be made within the same organisation. Central to this is that there is either a presumption of undervaluing, without having to prove it, and/or that a hypothetical comparator is possible. This innovation has been applied to the Equitable Job Evaluation (EJE) Process which sets out gender-neutral criteria for the assessment of jobs across three main factor families. In Canada, pay equity legislation is proactive and designed to uncover systemic undervaluing of work predominantly carried out by women. A worker or employer can also carry out a comparison with a 'proxy' and comparisons can be made between job classes. Like the hypothetical worker in New Zealand, this provides a mechanism to carry out cross-sectoral comparisons that can highlight historical undervaluing of work predominantly carried out by women in the public health, social care and cleaning sectors. These are interesting models for the EU that could help inform hypothetical male worker comparisons.

Addressing the undervaluing of care work in New Zealand

New Zealand's success in addressing the gendered under-evaluation of low paid work in the aged care sector stems from a longstanding union priority that grew from union-community and feminist alliance building and a strong supporting role played by the New Zealand Human Rights Commission (Charlesworth and Heap 2020). Following a landmark equal pay decision, known as the 'Terranova' decision,⁵ an equal pay settlement was agreed leading to significant pay increases for 55,000 front line care workers in 2017, and importantly with dedicated government funding for wage increases. The Terranova Case was a response to an injustice recognised by the court seeking a solution that went

⁵ Service and Food Workers Union Nga Ringa Tota Inc v Terranova Homes and Care Ltd, 2013; Terranova Homes & Care Ltd v Service and Food Workers Union Nga Ringa Tota Inc, 2014.

beyond the legislation. The arguments for this were crafted around the ‘hypothetical’ male worker and the need to address the issue in a framework of comparable work that was not limited to making equal value comparisons within the same organisation or industry. It has resulted in a new institutional architecture to address equal pay for work of equal value that has important learning for unions in Europe. One of the innovations is that the notion of a male comparator is regarded as being both outdated and problematic. This took learning from Queensland, Australia, where community service workers adopted an approach based on a presumption that women’s work is undervalued and consequently there is no need to demonstrate undervaluation. This model inspired service and third-sector workers in New Zealand to look at equal pay under the existing 1972 Pay Equity Act, as way to get around the problem that equal value assessments can only be determined within the organisation. This approach did not require new tools, rather unions applied existing gender-neutral job evaluation tools and guidance (see below), which had been poorly utilised. This led unions to look at a range of comparators, rather than one comparator. In addition, an important amendment made to the Act is that it is now possible to negotiate a mechanism to maintain the rate of pay as part of an ongoing equal pay settlement, rather than having to return to it several years later and carry out the same exercise again.

The Equitable Job Evaluation (EJE) Process (Department of Labour 2007a) and users guide (Department of Labour 2007b) were drawn up for the public services in 2007, containing a factor plan and weighting system designed to minimise gender bias. This was based on a plan of action drawn up by a Taskforce on Pay and Employment Equity in the public service, public health and public education sectors and aims to encourage better recognition of the nature and contribution of female-dominated occupations to the performance of work. The EJE involves an analytical points factor system across the following three factor families:

- Skills factor family. Factors 1-4: knowledge skills, problem-solving skills, interpersonal skills, physical skills
- Responsibilities factor family. Factors 5-8: responsibilities for people leadership, responsibility for resources, responsibilities for organisational outcomes, responsibilities for services to people)
- Demands factor family. Factors 9-12: emotional demands, sensory demands, physical demands, and working conditions.

The Public Services Association (PSA) has made this a priority and is currently rolling-out training on the EJE, with the aim to ensure that union representatives participate in the job evaluation assessment process, including in the establishment of a joint job evaluation committee for this purpose, the role of consensus decision-making and a process for ongoing maintenance, monitoring and review. According to the PSA training trade union representatives is alternative to hiring experts. This helps to demystify job evaluation on the basis that it is just another mechanism for setting pay. Factor-based analysis of work represents a way to take a structured approach to work assessment. Various assessment tools and guidance have been drawn up, including specific guidance and for the state sector. This sets out a bargaining approach and guidance in carrying out factor-based analysis in order to make visible and include overlooked, hidden or undervalued skills, responsibilities, effort and conditions (Public Service Commission 2020).

Pay equity and gender-neutral job evaluation in Canada

Canada has been a leader internationally in the development of gender-neutral job evaluation, as provided for in the Canadian Human Rights Act, and subsequently in federal and provincial governments pay equity laws. Pay equity is one of the central gender equality goals of unions in Canada, and economic justice/ending wage discrimination is one of three central pillars of the Canadian Labor Congress' "done waiting" campaign. The Canadian Union of Public Employees (CUPE) has pioneered gender-neutral job evaluation and has campaigned for proactive pay equity legislation in the federal system. CUPE's gender-neutral job evaluation plan sets out guidance across the four main factors - skills, effort, responsibility and working conditions - and subfactors in order to establish the relative worth of different jobs in a gender neutral way. In the provinces with strong pay equity laws, most notably Ontario and Quebec, CUPE has been involved in conducting joint workplace audits and pay equity plans in a large number of workplaces. Workers have been trained and sit on workplace pay equity committees and specific attention has been given to jobs in childcare, development services and community agencies. In the public sector the proxy method allows eligible "seeking" organizations to go to another "proxy" public sector employer to carry out a pay equity job comparison. The "seeking" organisation compares its female job classes to the "proxy" job classes using a proportional value method of comparison, which forms the basis of pay equity adjustments. The union has won proxy pay equity settlements following court hearings. Job evaluation studies and pay equity plans in Quebec have led to a large number of wage adjustments for predominantly female job classes. Job classes are determined on the basis of at least 60% of positions held by women or men. However, inadequate levels of government funding has slowed down the process.

The enactment of the federal 2018 Pay Equity Act was an important turning point for the public sector, leading to a proactive pay equity regime designed to achieve equal pay for work of equal value in workplaces in the public sector and under federal jurisdiction, and address systemic gender-based discrimination evident in predominantly female job classes. CUPE, along with other unions, had argued for a "systemic solution to a systemic problem" and had recommended moving away from a complaints based/litigation process underpinned by the Canadian Human Rights Act, to a model that is transparent, proactive and embedded in job evaluation (CUPE 2016). The Act is planned for implementation in 2021 when implementation regulations will be published. The Act requires public and private sector employers under federal jurisdiction to take proactive steps, including drawing up a pay equity plan, to ensure that jobs are compared in non-discriminatory ways on the basis of their skills, effort, responsibility and working conditions and transparent pay systems. Two methods of comparison are possible: proxy (based on two or more typically male job classes from another organisation or business) and the typical job classes (based on the three fictional predominantly male job classes – maintenance worker, technician and manager). Once the plan is established, they will have to increase the compensation of any predominantly female job classes that are receiving less pay than their male counterparts. Descriptions of female and male dominated job classes can be compared as part of equal value comparisons across sectors by determining the value of work of each predominantly female or male job class.

Maintaining awards for equal pay for work of equal value has been crucial. CUPE has been involved in establishing with employers new non-discriminatory wage grids that are relevant to all job classes in a bargaining union, along with a permanent job evaluation system based on the pay equity results. It is argued that this results in a more coherent pay system that maintains pay equity over time.

Wage setting and gender-neutral job evaluation and classification

Assessments of equal pay for work of equal value are often perceived as being one of the most difficult, yet critical issues, to address in pay setting negotiations, particularly where different bargaining groups hold different levels of power and influence. Trade unions are in a strong position to be able to advocate for collectively agreed, regulated and transparent wage-setting systems, including ensuring that there are no barriers to determining equal value comparisons across sectors in collectively-bargained wage structures. These actions are essential to the full application of equal pay for work of equal value and will require additional efforts to ensure the representation of women in bargaining teams along with training and awareness of the undervaluing of work at all union levels.

Collective bargaining remains the most important tool and priority for unions for achieving equal pay for work of equal value and in achieving transparent pay systems (OECD 2020, Pillinger & Wintour 2019). Wage setting is not always designed to address gender equality and resistance to addressing equal value and reducing skill differentials is evident. However, with much greater awareness of equal pay for work of equal value it is possible to bring the undervaluing of women's to the centre of trade union strategies and bargaining.

Where pay systems are transparent, the causes of gender pay differences can be identified more easily, and particularly if trade unions are involved (Chicha 2006). However, this has become more difficult to achieve in the light of an increase in individualised and market-based pay setting, and performance related pay, which has reduced the role and use of job evaluation across Europe. Also the growing popularity of pay reporting and gender pay audits has shifted focus (Veldman 2017). A further problem highlighted by unions is that the undervaluation of women's work is further entrenched because of the general erosion of public sector pay compared to the private sector, arising from resource constraints on public sector pay imposed by governments.

One strategy adopted by public service unions is to negotiate an additional percentage or flat rate pay increases in low paid and feminised jobs and sectors. An attempt to address the link between the undervaluation of work and pay inequalities was introduced in the 2018 negotiations by the Danish public services unions in municipal and state sectors. A specific fund to tackle gender pay inequality was established with the aim to equalise pay for female dominated jobs. This resulted in an allocation of DKK 85 million (approx. €11.5 million) for implementation for pay rises in female-dominated jobs in the public sector. The 2021-2024 agreement for municipal and state sectors continued to provide a dedicated equal pay fund (in the municipal sector this amounted to DKK 56 million/approx. €7.5 million from 1 April 2022). However, unions argue that this remains insufficient to deal with the problem of the undervaluing of work carried out in feminised jobs and sectors. An Equal Pay Alliance made up of 51 public service unions has called on the government to hold tripartite negotiations

on ending the GPG, including the negotiation of a much more substantial equal pay fund to upgrade pay in female dominated sectors in the future.

A similar strategy was adopted in Sweden as a way to address the significant pay gap that arises because of occupational segregation. Public service unions have highlighted the importance of addressing structural barriers, including occupational segregation, and gender-neutral job classification systems. The municipal workers' union, Kommunal, has prioritised measures to address the undervaluing of work of two of the largest groups of workers it represents: assistant nurses and care assistants. Kommunal's main strategic focus has been on addressing occupational segregation through measures linking pay to education attainment. Comparisons were made with car mechanics who had the same educational attainment requirements, but earned SEK 4,000 (approx. €400) more than assistant nurses. This led to a strategy, adopted by the Swedish trade union confederation (LO), to close the gender wage gap between female- and male-dominated occupations through collective bargaining by negotiating higher increases for female-dominated groups. It resulted in Kommunal negotiating additional pay increases for assistant nurses under the three-year pay agreement (1 May 2016-30 April 2019, and extended for a further year in 2020) with the Swedish Association of Local Authorities and Regions. However, the effect was short-lived following a negative wage drift arising from additional negotiated increases in pay in male-dominated groups in 2017 and 2018, resulting from a buoyant economy and labour shortages in male dominated industries. Additional negotiated increases for assistant nurses continued during this time, although fell short of the objective of addressing the undervaluing of feminised occupations.

In contrast to the strategy of a 'single pay spine' approach, as the example from the UK shows, unions in some countries have sought to break away from single bargaining arrangements in order to negotiate separate equality funds in female dominated sectors. In 2021 the Danish nurses' union (DSR) voted to reject the proposed agreement for local and regional government on the basis that the pay of nurses has fallen behind the pay of other workers when account was taken of education, responsibilities and tasks, and particularly the additional responsibilities and tasks taken on during the COVID-19 pandemic. In a similar vein, Finnish nurses' unions, TEHY and Super, successfully broke away from negotiations under the collective agreement covering health and social care professionals in local government in 2021. They plan to start their own bargaining from September 2021 onwards in order to negotiate a separate equality fund and secure higher pay increases for nurses.

A gender-responsive approach is essential so that union involvement in future wage setting is supported to recognise the true value of work carried out predominantly by women. This requires a renewed approach that systematically integrates gender equality into collective bargaining, with bargaining arrangements that facilitate equal pay for work of equal value. It also requires a commitment by employers to address pay inequalities that arise from individualised and performance related pay, and to reverse the erosion of public sector pay and austerity measures.

3. Pay transparency and pay reporting

Pay transparency will have the potential to contribute to ending the undervaluing of work predominantly carried out by women if robust measures are implemented on equal pay for work of equal value. The proposal for a pay transparency Directive include limited provisions on pay reporting, but only for companies over 250 employees.

Currently, GPG reporting laws exist in Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Norway, Sweden and the UK. The UK requires the GPG to be published on a government web site, while most other countries the results of pay reporting are only made available internally. Evidence of the impact from existing pay audits and equal pay surveys is largely inconclusive and some studies show that pay transparency leads to a reduction of the GPG because of a negative effect on male real wages, rather than the upgrading and equalisation of women's wages. Furthermore, because many pay reporting measures only report on average or median wages they have had limited scope to address the undervaluing of work, including reporting on whether existing job evaluation and job classification schemes are discriminatory. Limitations exist because there are no legal sanctions and in some countries pay transparency laws do not cover the public sector.

There is limited evidence that pay transparency laws have reduced the GPG. In Austria, the 2011 pay transparency law neither narrowed the gender wage gap, nor affected male and female wages, although the law did lead to higher job satisfaction (Gulyas et al. 2020) and has helped to make the GPG more visible (BMBF 2015). Similar findings from Denmark (Bennedsen et al. 2019) show that the 2006 legislation requiring companies with 35+ workers to produce gender-disaggregated salary reports had a limited impact on female earnings. In the UK, pay reporting on the GPG led to an increased hiring of women in above-median wage occupations and a 2.8 % decrease in male real hourly pay (Duchini et al. 2020). In Canada, Baker et al. (2019) found that pay transparency in the public sector reduced the GPG among university faculty staff, largely through higher female salaries, in a sector that is union-organised. In Germany, unions report that the Pay Transparency Act has had limited impact, but it helped to raise awareness and public debate.

Examples of pay transparency measures from Austria, Sweden, Spain and France are discussed below. Recent laws, for example, in Spain and France on gender pay transparency include sanctions, and provide opportunities for unions to bargain for equal pay for work of equal value.

The Austrian pay transparency law

The 2011 Austrian pay transparency law introduced the obligation for companies to publish bi-annual income reports on GPG. Since 2014 this has covered companies with 150+ employees, covering nearly half of the workforce. The reports cover the number of staff and the average/median income by gender in each job group, but only includes basic pay and excludes additional elements of pay such as bonuses, overtime and other wage supplements. The report is made available to the Works Council or in their absence to all employees. A toolkit on conducting pay reports, drawn up with the social partners, is provided on a dedicated website, which includes web-based wage calculator. The reports have helped to make the GPG more visible, although they have not gone as far as assessing whether jobs are of equal value or how the value of jobs was determined. This is one of the inherent problems with the pay auditing system when jobs predominantly held by women have been classified at a lower level. A further issue is that Works Council members are not always aware about tools to address the undervaluing of work. Limitations exist in the current pay reporting system. Reports are anonymised and only the average wage to be stated. Information gaps exist regarding different components of pay and the employment status of employees, for example, for full-time or part-time workers. In an Austrian context, further binding transparency measures are needed to address the GPG when pay discrimination has become transparent (Koscan & Berger 2021).

The experience from Sweden

In Sweden the Discrimination Act (2018) requires companies with 10+ employees to carry out annual pay surveys to identify, remedy and prevent unfair pay differences, and has to be carried out with employees and trade unions. Studies on the outcome of the pay surveys in closing the GPG are largely inconclusive. The Swedish National Audit Office (2019) found that the way that the current legislation is formulated means that it has had a limited impact in closing the GPG. Employers reported difficulties in making assessments about pay differences for jobs of equal value. However, the surveys cover only the workplace of the company or organisation, and this can disadvantage female dominated-sectors. Recommendations were made for investigating whether legislation regarding pay surveys could be made less demanding for employers, particularly for assessing pay differences for jobs of equal value, rather than strengthening the system so that it had the capacity to assess equal value, for example, through cross-sectoral comparisons.

Spanish pay transparency measures and the potential for bargaining

Royal Decree 901/2020 extends obligations on companies with 250+ employees to conduct wage audits and for companies with 50+ employees to draw up equality plans and keep a record of average pay broken down by gender and job category. Royal Decree 902/2020 provides further details and requires companies to keep a gender pay register covering all employees, to include both the mean and median salary in each professional category by sex, and to include the base salary, any additional payments and other non-salary related payments. Workers and their representatives have the right to ask for information on the percentage differences in the average male and female salaries disaggregated by the type of payment and classification. If the wage register shows there is a gender disparity of over 25%, the company must justify the difference and establish an equality action plan to correct any inequalities. Collective agreements must apply the principle of equal pay for jobs of equal value and companies are expected to have evaluated all work roles of equal value in order to identify any pay gaps. The Royal Decree also provides for the government agency, the Institute for Women, to develop a good practice guide on how to conduct pay audits and gender-neutral job evaluation and to develop awareness-raising and information materials. It also provides for 6-monthly tripartite meetings to discuss progress on reducing the pay gap. This law opens the door for unions to work with employers to implement gender-neutral job evaluation and classification. This is particularly important for the unions because of the undervaluing of feminised jobs. For example, UGT (2018) found that the highest wage gap (32%) is experienced by women working as non-qualified workers in services, such as cleaning.

The French gender equality index

In 2019, following discussions with the social partners, the government introduced legislation requiring companies in the private sector, and private companies providing public services, with 250+ employees to measure their performance against a new gender equality index. The index is based on five indicators with a points system and if a company scores less than 75/100 points it will need to take correction action within a period of three years. The indicators cover the average pay of men and women including performance bonuses and benefits in kind; wage increases by gender; promotions by gender; equal treatment of wage increases when on maternity leave; and the number of women on management boards. The index must be sent to the relevant government authorities and also be published on the company website. The government has provided an on-line tool to assist in compiling the index including an on-line training course. Companies will be fined up to 1% of their wage bill if they do not carry out corrective action within the three-year period. A simpler procedure exists for smaller companies. The Labour Inspectorate has an enhanced role and the government holds annual meetings with the social partners to review progress. However, there is no specific obligation to carry out equal value assessments.

The French unions regret the exclusion of the public sector from these new reporting obligations. The Health and Social Care Sector (Santé-Sociaux) of the CFDT also notes that many trade union negotiators do not have the competencies to analyse the wage index reports and if the index is over 75% they tend not to question it further. However, when the reports are examined in detail, it is clear that there are still wide GPGs, particularly as a result of delayed promotions for women, when women return from maternity and the glass ceiling effect, particularly marked in the health and social care sector.

The examples discussed above have highlighted some of the limitations of existing pay transparency laws and point to the need for stronger mechanisms to be introduced in the Pay Transparency Directive in relation to determining work of equal value. This should include mandatory job assessments to identify pay inequalities that result from the undervaluing of work, ensuring that they take account of all types of pay in cash or in kind, with sanctions for non-compliance. Limitations arise when pay reporting requirements are based on average or median wages and do not go as far as assessing hidden pay gaps resulting from the undervaluing of work or discriminatory job evaluation or classification schemes. EPSU has argued for strong pay transparency measures that address the root causes of the GPG and particularly occupational segregation and the undervaluing of work predominantly carried out by women. Furthermore, this should not be limited to companies or organisations with 250+ employees, but should be an obligation on all employers, in the public and private sectors, regardless of their size.

4. Conclusions and recommendations

This report has discussed why a strong EU Directive on pay transparency is critical to ensuring that jobs are evaluated and assessed in gender-neutral and non-discriminatory ways. It has shown the importance of measures to address the undervaluing of feminised jobs in the public services, which have been socially constructed over time. As a result, pay transparency measures should enable unions to access information about how pay is determined and to have the potential to tackle the undervaluing of work predominantly carried out by women. An important further issue for the future is how to ensure, in addition to equal pay for work of equal value, pay can be awarded that is proportional to the value of the job. This will avoid the problem where pay inequalities between women and men are not illegal even where differences in the value of the work may be marginal (Rubery & Johnson 2019). This means taking a broader approach to equal pay for work of equal value and in making transparent gendering within organizations and pay systems.

A strong Pay Transparency Directive needs to ensure that employers and unions are equipped and incentivised to carry out gender-neutral job evaluation and classification in order to get to the root causes of the undervaluing of work in public services. Similarly, equal pay surveys and pay reporting on the GPG, also have the potential to address the unequal valuation of work predominantly carried out by women. However, pay audits and pay surveys will make a limited contribution to closing the pay gap if they fail to get to the root causes or address remediation measures to tackle pay inequalities. As a result all pay transparency measures introduced on pay reporting should include assessments of how pay is determined. This means implementing gender-neutral job evaluation and job classification to address the unexplained element of the GPG that results from the systematic undervaluing of work predominantly carried out by women. Related to this is the need for a political commitment towards redistribution of resources towards low paid / jobs predominantly held by women that are identified as undervalued in job evaluation schemes. Achieving this is difficult in the current climate, but in the context of COVID-19 recovery there is an opportunity to mobilise and give recognition to the value of essential public services in health and social care.

Drawing on trade union strategies and research evidence, the following principles should underpin pay transparency measures on gender-neutral job evaluation and classification:

- a) **Gender-neutral job evaluation and classification must be implemented in order to address deep-rooted gender inequalities and the historic undervaluation of work predominantly carried out by women. An ideal opportunity exists to ensure that gender-neutral job evaluation and classification are included as part of gender-responsive recovery measures to the COVID-19 pandemic.** This means taking a radical approach in wage negotiations, in pay audits and pay reporting, and in job classification systems. All pay transparency measures introduced on pay reporting/pay audits should include assessments of how pay is determined. On the one hand, this will ensure that

b) Proactive legal provisions are needed to explicitly mandate the role for trade unions and employers in negotiating systems for and implementing gender-neutral job evaluation and classification in determining equal pay for work of equal value.

Unions must be involved in drawing up job assessments to ensure that they assess the full range of component parts of different jobs and in drawing up and comparing job factors. It is essential that the Pay Transparency Directive explicitly articulates the role of trade unions, that trade unions can help make pay systems more transparent, and that employers have to take proactive steps to implement job evaluation and classification systems with the participation of trade unions. An important aspect of this is to ensure that unions are permitted to take class actions in order to enforce the implementation of job evaluation and classification systems to determine equal pay for work of equal value, including funding for upgrading of pay if equal value is determined.

c) **Collective bargaining remains the central mechanism for determining pay. Strengthening the role and contribution of collective bargaining on equal pay for work of equal value in the Pay Transparency Directive is essential.** Legal obligations

can provide an important incentive to bargaining at all levels, including at the sectoral level. Mandatory bargaining can incentivise trade unions and employers and ensure their joint role in providing guidance and capacity for the implementation of gender-neutral job evaluation and classification. This could also build on some of the proactive examples of trade union involvement in successful service-wide gender-neutral job evaluation schemes that have helped to transform the classification of jobs. While trade unions have campaigned for non-discriminatory job grading systems, there are different approaches to this. On the one hand, creating single pay spines and related bargaining has been one way to end discriminatory grading systems. On the other, hand separate negotiations are deemed necessary by some unions as a way to ensure additional resources for female dominated jobs and sectors. Regardless of the approach taken, strengthening bargaining on pay transparency will ultimately be crucial to its success in closing the GPG. Furthermore, it is far better for equal pay for work of equal value to be implemented proactively by the trade unions and employers and through collective bargaining, rather than retrospectively through the courts. A stronger legal framework is needed to ensure pay transparency so that pay inequalities are tackled in a proactive way through collective bargaining. Critically important is that the Directive ensures that job evaluation schemes are not used as a way to bypass or undermine the role of collective bargaining, rather collective bargaining has a positive role to play in ensuring fair processes. In addition, where state equality bodies play a role in monitoring and implementing pay transparency measures, it is essential that this is done with the involvement of trade unions.

- d) **Gender-neutral job evaluation and classification is routinely integrated into wage negotiations and wage setting.** A radical shift in wage negotiations is needed so that all pay negotiations in all sectors bring the value of the work carried out to the centre of negotiations. This means ensuring that comparisons for job evaluation can take place at the workplace, company and/or cross-sectoral levels. Taking this radical step to cross-sectoral comparisons would not only contribute to closing the GPG it would help to ensure that pay transparency remains a central tenet of collective bargaining and enhance the credibility and role of trade unions.
- e) **There is a commitment to upgrading the pay in predominantly low paid female sectors, rather than downgrading the pay of the predominantly better paid male sectors.** This is particularly relevant for the success and political legitimacy of gender-neutral job evaluation and classification as a tool for pay transparency. Trade unions have always argued that women's pay should not be upgraded to the detriment of men's pay, and that equalisation of pay should only take place by upgrading women's pay. This is a critical issue and principle for the Pay Transparency Directive. It should be made clear that the upgrading of public sector pay as a result of equal value assessments should be fully funded from separate government resources.
- f) **Equal value comparisons should be as wide-ranging as possible, across sectors and/or through the use of hypothetical or proxy comparators in different job classes.** A future challenge for public service unions will be to find new and innovative ways to make equal pay for work of equal value comparisons across sectors, particularly those that are predominantly male. The problem for feminised jobs in the public sector is that it is often impossible to find comparators. In the context of the significant problem in gender segregated labour markets in the public sector, working from an assumption that women's jobs are undervalued, and allowing for 'hypothetical' or 'proxy' comparators, as exists in New Zealand and Canada respectively, are important potential ways to address the comparator impasse. This shift in emphasis will require new training and awareness raising programmes for trade unionists and a radical shift in perspective about the undervaluing of work in public services. Furthermore, it should be possible to carry out a threshold test that asks whether there would be unequal pay if the comparator was hypothetically employed on the same or similar terms in the establishment of the complainant. There is a unique opportunity under the Pay Transparency Directive to implement a broad definition of hypothetical comparator.
- g) **It is critical that the Pay Transparency Directive extends obligations for pay to outsourcing arrangements to ensure outsourcing to the private sector is not used as a means to circumvent equal pay obligations.** This will help to stop the downward wage drift in wages for jobs that are outsourced. Pay transparency should be included as a requirement in contracts for outsourcing in order to end the continued drift to outsourcing of female-dominated jobs to the lower-paying private sector. This could be an important strategy to end outsourcing of services and functions and to address the impact of austerity measures that have eroded public sector pay. Conversely, improvements in public sector pay must not become a reason to cut costs and accelerate outsourcing to the private sector. It is critical that control measures are put in place to avoid this happening. In line with the ETUC Resolution on pay transparency (2021) incentives are also important, so that companies are given restricted access to public contracts where they have a GPG of more than 5 % and/or where they have refused to engage in collective bargaining with unions.

- h) Priority and resources are given to ongoing awareness raising, guidance and training.** It is critical that there is awareness raising about historical undervaluation of work and ways to overcome it. EPSU affiliates are encouraged to draw up clear guidance about implementing gender-neutral job evaluation. Experience shows that trade union involvement is vital to uncovering the undervaluation of feminised work. It is critical that resources are made available to enable trade unions to access necessary guidance and training so that it becomes a priority issue. At a political level, it is essential that the issue is at the centre of trade union strategies and negotiations on pay and conditions in the public services. At the European level, EPSU is encouraged to assess what guidance materials, training and information is needed by unions and to share existing guidance drawn up by trade unions in Europe and internationally.
- i) Ensure that where an equal value assessment has resulted in a pay rise that this is maintained over time.** A mechanism for maintaining awards for equal pay for work of equal value is crucially important. In Canada, union involvement helped establish new non-discriminatory wage grids with employers, relevant to all job classes in a bargaining unit, along with a permanent job evaluation system based on the pay equity results, leading to a coherent pay system that maintains pay equity over time. In the UK, some proactive measures were introduced in local government to address a drift away from job evaluated differentials and maintain awards made on the basis of equal pay for work of equal value. These systems point to way that equal value pay rises could be maintained over time.
- j) Pay transparency measures also need to take account of multiple and intersecting forms of discrimination.** Finally, it will be important for public service unions to identify tools and awareness about the GPG and the intersection of gender, disability, race, LGBTI status, family status and other forms of discrimination. This will mean that pay transparency measures should be implemented to address at least the combination of two or more of these grounds for discrimination, such as the race/gender pay gap, the disability/gender pay gap or the motherhood/race/gender pay gap.

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