Questions

1. What are the causes of the gender pay gap in Germany?

2. What do the **Lohngerechtigkeitsgesetz** and the **Gesetz für die gleichberechtigte Teilhabe von Frauen und Männern an Führungspositionen in der Privatwirtschaft und im öffentlichen Dienst** state?

3. To what extent and in what ways do you think these laws will contribute to greater gender equality at work in Germany?

4. What might be shortcomings and limitations of these laws?

5. What else might be required for greater gender equality?

1. – women expected to also look after the family/ household so as a consequence work less eg. half days or 4 out of 5 days of the week. A lot of people work only part time and there is a vast difference in pay and there are lesser chances of promotion, so the income remains stagnant.

- inequality based on voluntary ‘free decisions’. Misunderstanding of equal opportunities. Eg. average shorter working time, less work experience, poorer qualifications, less management experience, employment in sectors that pay less. (supposedly).

- not due to ones one choice, true that more women work part time, but also the result of an inadequate state infrastructure for childcare.

- women rarely have the same career opportunities to take up management positions/ same career opportunities even if they have the same qualifications as men.

- in the case that women were able to penetrate traditional male occupations, the wages in those sectors were particularly weak. Therefore, women did not choose a lower pay, they just received it.

- discrimination in the labor market in regard to wages.

- women underestimate costs that incur as a result of being a mother, including emotional costs, caused by separation from the children.

- number of women in full time employment in labor market has not actually changed whilst it is still increasing for men.

- retreat into part time work is fatal in regard to female independence.

**2**. - This will allow women in companies with 200 or more employees to demand information on how much money men in equivalent positions earn. Companies with 500 or more employees will also be obliged to report regularly on the status of equal opportunities and equal pay.

- According to the ministry, the right to information concerns 14 million employees. Federal Family Minister Manuela Schwesig (SPD) said that this would change the corporate culture. For her, the law is a further step towards more justice in society after the introduction of the quota for women in the supervisory boards.

- Gleichberechtigte Teilhabe: It is intended to ensure that 30 percent of all supervisory board positions in a good hundred large companies are filled by women. (at a slow rate). Supervisory above CEO. PUBLICLY LISTED COMPANIES. Small fine for not meeting quota. Position has to remain empty, can not be filled by men.

3. - The new law for more wage justice gives women concrete means to enforce their claims. The SPD politician said on the ARD morning show that this could even lead to a lawsuit in court.

- The point is to make sure that women really get the same pay when they do the same or equivalent work, and that wage determination is no longer a black box. The point is to know whether one is paid just as fairly as others.

4. - Is it fair? The wage justice law does not produce justice; it abolishes injustice

- problems that come with ‘transparency’. Arguing things would be fairer if they were more transparent and women have no choice to receive what they have been paid as a result, so they feel deceived.

- New Wage Equality Act will not change the complex decision- making decision of just changing jobs as there are other factors that women must consider eg. having a job in the first place, accessibility, flexibility, corporate culture, career opportunities, compatibility of work and family.

- relatively small no. of women who are qualified who are sitting on all the boards of the larger companies.

- Gleichberectigte teilhabe: occurring at such a slow rate, male dominated sectors not willing to give up power and money.

- smaller and lesser known companies choose to avoid the quota as more than half of all medium sized GmbHs do not have a supervisory board at all. It is apparently the last rebellion of an elite that does not want to acknowledge that equality is not a matter of granting individual promotions but of economic necessity in times of a shortage of skilled workers and highly qualified women.

- large sections of the male leadership hold on to their privileges.

5. A restructuring of the company organisation is necessary with the aim of generally taking more account of the vicissitudes of life. "Young fathers also want to live with their children much more than previous generations," says Holst. "That younger generations no longer live according to the same principle, but that dual career couples are a social reality, especially among the highly qualified,

- New rules on "bridge part-time work" have only just come into force. Now female employees not only have a right to reduce their working hours, but also to increase them back to full-time employment. Will this bring the hoped-for turnaround?

WEEK 8 LECTURE- Equality and Diversity

* **Types of discrimination:**
* Disparate treatment- based on race etc. with intent to treat differently. Eg. pregnant women.
* Disparate impact- intent irrelevant, selection criteria eg. must be a certain height. Some industries may require things like being a certain height.

**EU Legislation**

* Allgemeines Gleichbehandlungsgesetz (AGG)
* Became easier to claim discrimination successfully.
* Could be discriminated against by their region, village, social origin
* Membership in trade union of occupational associations.

**Examples**

* • Job advertisements
* • ″Sekretärin gesucht″
* • ″Junge dynamische Führungskraft″
* • ″Muttersprachler gesucht″
* • Characteristics associated with certain demographic groups
* • durchsetzungsstark – kommunikativ
* • Jobanzeige ausschliesslich Internet – problematic, assuming older job applicants don’t use the internet
* • Teilnahme an Umschulung setzt hervorragende Deutschkenntnisse voraus
* Fear that some companies could be sued for these kinds of advertisements.

Exceptions

* Wesentliche berufliche Anforderungen (§8 AGG)
* ‘Junge Verkäuferin für Damenbademode gesucht’
* • Religiöse / weltanschauliche Gründe (§9 AGG)
* • E.g., managerial employee of Caritas can be required to be Roman catholic
* • Alter (§10 AGG) – if requires extensive socialization and training .eg.6-12 months, companies can’t be expected to make this investment if employee is about to retire.
* • Höchstalter für Einstellung eines Mitarbeiters, damit dieser vor Erreichung des Rentenalters eine angemessene Zeit arbeiten kann
* • Positive Massnahmen (§5 AGG) – positive discrimination for people who are otherwise discriminated against, deliberate differential employment of certain demographic groups.
* • E.g., extra holidays for employees > 55 years of age
* • Women’s quotas on the supervisory board

Evidence of **inequality- could be a result of discrimination**

* • Unemployment rate (2016)
* • Migration background: 8%
* • German background: 4.3%
* • Pay differential
* • Non-German passport: paid 72% of German passport holders’ pay (average)
* • Only 6% of managers with migration background
* • Companies with <250 employees: 3.3% (Allensbach Institute, 2016)
* • Proportion of total population: 21% (D-Statis, 2015)
* • Experimental study (Kaas & Manger, 2012)- wrote a fake job application and sent it to 700 companies applying for jobs. Half under Turkish name, other half under German name. EVIDENCE.
* • Identical applications with Turkish- and German-sounding names
* • German-sounding name 14% more likely to receive call back
* • Smaller firms: 24% more likely

Gender pay gap

* Bereingigte Lohnlucke- comparing m/f performing same job with some qualifications etc. (7%).

The ‘Glass Ceiling’

* Women’s access to managerial roles is more difficult
* • Percentage of women in Aufsichtsrat—DAX-100: 27.3% (2016)
* • Up from 19.4% (2012) and 25% (2015). Reflecting women’s quota law.
* Women’s quota: compulsory 30% only applicable to large public companies, but not applicable to smaller companies.

International Comparison (2013)

* Cast range of studies with very different results.
* Happens with politically sensitive subjects.
* Before legislation quota was introduced

Causes of gender inequality

* • Maternity leave
* • Mutterschaftsurlaub/-geld: 14 Wochen, 100% Einkommen – have to take 6 weeks before and 8 weeks after the birth without choice.
* • Elternzeit: Anspruch auf Freistellung, bis zu 36 Monate
* • Elterngeld bis 12 Monate nach Geburt (65-100% of income)- after 2nd and 3rd year, mother can take unpaid Elternzeit but has the right to return to a similar position.
* • Disincentive for employers to hire women / promote women into important positions.
* • Shorter organisational tenure on average (women compared to men)
* • Senioritätslohnsysteme (efficiency wage systems)
* • Part-time work
* • 58% of women work part-time compared to 20% of men
* • “Motherhood penalty”
* • Gender pay gap only 2% for women aged 25-44 without children
* • Gender pay gap 24% for women aged 25-44 with children

**Senioritatslohnsystem**- pay increases disproportionally as you move up the ranks. Women more likely to be employed at ranks where they are underpaid.

**Partnermonate**

* Possible to divide parental leave equally between the parents. Overall no. of months increases to 14 instead of 12 months. 1 parent cannot take more than 12 months.

**Cultural and institutional differences between Germany and other countries**

* Countries with an extended colonial history (Belgium, France, the Netherlands, UK)
* • Experience of immigration and racial tensions- longer tradition of managing these legislation on equality.
* • Earlier legislation against racial discrimination
* • E.g., UK: Race Relations Act 1965; Commission for Racial Equality 1976; Equal Pay Act 1970; Disability Discrimination Act 1995
* • Netherlands: Constitutional Amendment 1983 (equal treatment provisions); Anti-discrimination Law 1994
* • However, France: history of resistance to legislation on equality
* Countries with Catholic tradition
* • E.g., Austria, France, Germany, Italy, Poland, Spain
* • Entrenched norms of gender differentiation- women play certain gender roles in the family- not compatible with gender roles
* • Opposition to anti-discrimination policy in respect of sexual orientation
* • Less progressive in adopting legislation

Nordic countries

* • Early adoption of progressive policies towards gender equality
* • Social democratic tradition

Central and Eastern Europe- communist regime generally more progressive in terms of equality.

* • Equality policies embraced by former communist regimes
* • Backlash after 1989- pendulum swing to one extreme to another, become more opposed to it as well.
* • Poland as a laggard in implementing the 2000 EU Framework Directive
* • Institutionalisation of negative discrimination in Hungary under far-right government

Differences in age management practices

* Study on age diversity comparing UK and Germany
* Matched firms in four industries (chemicals, steel, retail, schools)
* German firms:
* • High dismissal protection / strong internal labour market- staff vacancy from within the company. External occupation usually at lower levels of company.
* • Older age structure- early retirement was encouraged as a solution. No longer a legitimate solution.
* • Age management practices more common
* • e.g., ergonomic design of working space, sport offerings, horizontal movements in organisation, differentiation of training and development strategy based on life phase, mixed age teams
* • Pressure by trade unions / WCs to adopt age management practices
* • State / unions no longer support early retirement
* British firms:
* • ‘Externalisation strategies’ (redundancies, early retirement)
* • Union-supported early retirement schemes
* • Age management practices are less common
* • Older employees perceive more employment options outside their current organisation