

CHARLES UNIVERSITY IN PRAGUE

FACULTY OF SOCIAL SCIENCES

Institute of Political Studies

Bc. Michaela Ederová

**The Gender Pay Gap
within the European Union**

Master Thesis

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Author: Bc. Michaela Ederová

Supervisor: Doc. PhDr. Běla Plechanovová, CSc.

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Abstract

The thesis describes the gender pay gap and evaluates it from the view of the European Union and the Member States. It focuses on the measures and instruments that have been developed to tackle the causes of the gender pay gap. The definition of the pay gap is given and the gender and gender roles are described. The gender pay gap as a systematic underpayment of women is measured using adjusted and unadjusted data. The thesis concerns with primary causes of the gender pay gap, such as the horizontal and vertical segregation, differences in human capital, or discrimination. It deals with the gender pay gap at the level of the European Union and at the level of the individual Members States. The role of the European Union is described and assessed as well as its legislative and non-legislative instruments. The focus is on the proactive measures that contribute to solving the primary causes of the gender pay gap. The positive action measures and family-friendly measures are presented.

Anotace (abstrakt)

Diplomová práce popisuje genderovou mzdovou nerovnost a hodnotí ji z pohledu Evropské unie a jejích členských států. Soustředí se na nástroje, které vznikly za účelem vyrovnání se s tímto problémem. Práce představuje definici mzdové nerovnosti a popisuje gender a genderové role. Genderová platová nerovnost jako systematické mzdové nedocení žen se liší dle typu použitých dat. Práce se zabývá primárními příčinami mzdové nerovnosti, jako je například horizontální a vertikální segregace, rozdíl v lidském kapitálu nebo diskriminace. Práce se zabývá problémem na úrovni Evropské unie a jejích členských států. Popisuje a hodnotí roli Evropské unie a její legislativní a nelegislativní nástroje. Soustředí se na proaktivní nástroje, které přispívají k řešení primárních příčin genderové platové nerovnosti. Práce představuje prostředky pozitivního přístupu a nástroje na podporu sladění rodinného a pracovního života.

Keywords

Gender, European Union, pay gap, proactive measures, discrimination, vertical segregation, horizontal segregation, gender roles

Klíčová slova

Gender, Evropská unie, odměňování, proaktivní opatření, diskriminace, vertikální segregace, horizontální segregace, genderové role

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Declaration

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Prague, 13 May 2016

Michaela Ederová

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INTRODUCTION

The matter of gender equality has always been appealing for me and therefore I have decided to devote my Master Thesis to this issue. Specifically, I am going to focus on the gender pay gap which could affect me personally. Whether we like it or not, women face many inequalities not only in the developing countries, but also in the developed world, for example in Europe. Such inequalities are reflected also in unequal pay structures. The gender pay gap in the European Union is a problem that needs to be tackled.

Gender equality as such is one of the founding values of the European Union. The principle of 'equal pay for equal work' dates back to 1957 when it became inseparable part of the Treaty of Rome.¹ Today the legal basis for the European Union exists under the Treaty of Lisbon from 2009. Among other changes and updates, the treaty authorized the use of positive action (Koldinská 2010: 69). The European Union uses both legislative and non-legislative instruments to promote the equality and reduce the gender pay gap. The Member States complement the European legislation and draw on the European leadership (Smith 2010: 2-3).

In spite of many years of equal pay legislation in the European Union formally prohibiting paying women and men unequally, the gap between the earnings of women and men remains persistent in all Member States (Smith 2010: 2; Smith 2012: 365). Moreover, the gender pay gap fluctuates across all the Member States. According to the statistics, on average men earn about 16% more per hour than women (EC 2014).

The aim of the thesis is to evaluate the gender pay gap from the view of the European Union and the Member States. It focuses on the various measures and instruments that have been developed to tackle the basic causes of the gender pay gap.

The thesis will be divided into two parts. First, I am going to introduce the basic concepts and terms related to the topic of gender equality since they are needed for further understanding of the issue. Therefore, I will have a closer look at what gender and gender roles are. I will focus on the increasing role of women in the labour market

¹ European Commission. *Gender Equality*. (<http://ec.europa.eu/justice/gender-equality/>, 10. 5. 2016).

in the connection with the gender pay gap. An extensive part of the first chapter will be devoted to the explanation of the term gender pay gap as a systematic underpayment of women. I will focus on the available data and measurements affecting the size of the gender pay gap and I will address the underlying causes of the gender pay gap, such as the horizontal and vertical segregation, differences in human capital, or discrimination.

The second part of the thesis will be devoted to fighting the gender pay gap at the level of the European Union and at the level of the individual Members States. I will address the role of the European Union in handling the problem, and assess the rise of equality up the European agenda. I will describe the key instruments of the European Union, both legislative and non-legislative. I will chiefly focus on the proactive measures that help us address the primary causes of the gender pay gap as outlined in the first part of the thesis. I will present the positive action measures and the so called family-friendly measures.

I will answer following research questions:

Can we talk of a homogeneous approach to the issue resulting from the influence of the European Union?

Is the gender pay gap even measurable?

Are there any effective measures or instruments that help to reduce the gender pay gap?

Are the measures transferable from one country to another?

To answer the research questions, the first part of the thesis will be focused mainly on the theory of the gender and the causes of the gender pay gap. It will explain the key terms and concepts related to the topic of gender equality since they are needed for further understanding of the issue. It will also serve as a basis for the second part where the attention will be drawn to addressing the causes as defined in the first part of the thesis both at the level of the European Union and at the level of the Member States.

Both primary and secondary sources will be used. In order to answer the research questions I will work with scientific journals, articles, or the documents published by the European Union. I will use electronic sources and also the official websites of institutions.

II. THEORETICAL FRAMEWORK

1. *Gender and Gender Roles*

The thesis is basically devoted to gender issues and the term will be therefore present during the whole paper. For that reason it is important to focus on the actual content of the word *gender*. Although the term might be clear to English reading readers, it is not that case with Czech readers.

Gender does not only indicate a biological difference between men and women but also includes the social dimension (Koldinská 2010: 20). Unlike biological sex which is male or female, gender represents wide range of characteristics located on the axis from masculinity to femininity. These characteristics could be found on each individual on different level independently of their biological sex. The identity of the individual is fixed to the specific cultural and linguistic environment that contributes to the development of femininity and masculinity. Western society for instance assumes that the femininity is solely attributed to women and masculinity to men (Oakley 2000: 121 - 130). However, the female sex does not belong exclusively to the female gender and male sex to the male gender. Anthropology is full of examples of cultures that perceive gender differently than the western society (Mead 2010).

Of course, scholars debate about the nature of gender roles. Some perceive the behaviours and attitudes as complete cultural constructions, while others believe that they arise naturally from personality trait and biological sex.² Gender can be defined as a system of social habits that creates and preserves the differences and organize unequal relations based on these differences. From this perspective, gender produces differences and reproduces inequality between men and women. It is essential to note that gender is a process rather than a permanent state (Wharton 2012: 8–9). Gender refers to the differences between men and women that are instilled, learned and therefore easily suggestible by government policy, education, and media (Anker 1998: 9). For instance, it is biologically determined that only women can bear children. It is not biologically

² Psychology of men: Theory, Research, Practice. (<http://www.psychologyofmen.org/male-gender-role/>, 23. 4. 2016).

determined however that women must raise (Asklöf et al. 2003: 8). According to that logic, it is not biologically determined that woman earn less than the man, takes care of the home and takes the parental leave.

As I have already mentioned, to what gender a person belongs is particularly influenced by the culture and society he or she lives and grows up in. As a result, the concept of gender is a social construct that leads to socially constructed differences in behaviour, attitudes and expectations of both men and women (Oakley 2000: 129).

Each individual actively associates himself or herself to masculinity or femininity and on top of that is constantly judged by others. There are some norms for behaviour and self-presentation methods linked to masculinity, such as dominance, strength or technical skills.³ On the other hand femininity is linked to passivity, care, emotions.⁴ Women tend to be destined for a private space and domestic life, while men dominate the public sphere. Women tend to be perceived as passive, weak, humble, emotional, sensitive or pleasant. Men on the other hand tend to be attributed to activity, strength, bravery or rationality. Virtues of women include modesty, kindness, grace and beauty. Virtues of men include dignity.⁵ In addition, both are heteronormative, which means that normal man or normal woman is a heterosexual individual.⁶

Gender roles, that is to say social roles, are assigned to each person, man or woman. Gender roles are based on cultural practises of the particular social group. Therefore, the roles can differ, and what is specific for one culture may not correspond with another culture. Diverse gender roles may be found in different social classes and in time as well.

Already at birth we all are attributed specific gender and specific gender roles and we are expected to behave accordingly. In fact, gender stereotypes begin when a baby's gender is learnt. The moment parents find out they are expecting a girl they have a tendency to decorate a pink nursery full of butterflies, princesses and flowers. The moment they find out it is a boy, the nursery tends to be decorated in blue, with dinosaurs, cars or jungle animals on the walls. Girls are expected to be nice and good

³ Hegemonic masculinity. (<http://www.sexandgender.net/2009/09/23/hegemonic-masculinity/>, 24. 4. 2016).

⁴ The same

⁵ Genderová identita. (<http://www.valdrova.cz/news/21/20/zena-muz-a-socialni-pohlavi>, 9. 5. 2016).

⁶ Hegemonic masculinity. (<http://www.sexandgender.net/2009/09/23/hegemonic-masculinity/>, 24. 4. 2016).

and boys are expected to have their own opinion and to be strong, tough, protective and dominant. When small children play, boys pretend to be courageous knights, Indians, bandits, police officers or fire-fighters. Boys' toys consist of trucks, cars, action figures. Girls, on the other hand, pretend to be princesses waiting to be rescued; they cook or play with dolls. Girls very often play house, so that even before going to school for the first time, they are aware that they are supposed to stay home with children. Meanwhile their husbands go to work and they have dinner ready when the husbands get home. Simply put, women stay at home while men go to work (Brewer; Karsten 2006: 63 – 82).

Men tend to be expected to be tough and in control, they tend to be taught to hold certain attitudes, such as the importance of work and being the breadwinner of the family. They are attributed to wear pants and suits and short haircuts. The expectations also include forbiddance of certain – say unmanly and effeminate or womanish – behaviour and appearance. Men do not cry and act cowardly. They do not wear a dress and for some wearing long hair is unthinkable. They are even expected to oppose attitudes, such as wanting to be a stay-at-home father or being comfortable with the fact that a wife earns more money than the man.⁷ Cultural expectations could be very powerful. Professor of Law in the Faculty of Law at the University of Oxford Sandra Fredman wrote: “...in the Czech Republic, fathers who remain at home with children are often perceived as strange people” (Fredman 2009: 48).

These are so rooted in the society, although the level and the nature of the external pressure on men's and women's behaviour depend on society we live in, families we are raised in, people we encounter, tutors we are taught by. It is important to realize that the stereotypes and expectations also to some extent cause the gender pay gap.

2. Women in the Labour market

The position of women in the labour market and in society as such has gone through numerous changes throughout the history and it is not a history of equal rights. In the Middle Ages the church endorsed the notion that a woman is connected with Eve

⁷ Psychology of men: Theory, Research, Practice. (<http://www.psychologyofmen.org/male-gender-role/>, 23. 4. 2016).

and her original sin and therefore should be subordinated to men. On the other hand, women were associated with Mary, mother of Jesus and therefore she should take care of the family, children and household. There was no place for anything else in their lives. However, even there were exceptions. For instance in some large medieval towns women had right to be partially part of the market and have the same rights as men (Ennenová 2001: 143).

The situation of women in the labour market began to change during the Industrial Revolution. Women from poor families often had to go to work due to the bad economic situation of the family. They were usually employed in factories (Fialová 2010: 8). In the wealthier middle class families women preserved the role of housewife. With the increasing level of education of women the question of how to engage them in the market began to be relevant. It is important to realize that level of employment of women was very low until the late 19th century and they made a living doing unskilled jobs. Women worked mainly in agriculture or as maids in private households (Petáková – Haisová 2007). They worked also in factories and as new entrants in the market, women worked ordinarily for lower pay than men and in lower-skilled occupations (Pettinger 2016).

Since the beginning of the twentieth century the number of educated women with the professional qualification has increased. They started to engage more in public affairs and the labour market. However, the number of suitable jobs was very limited (Wagnerová 2009: 12). Until the thirties women usually worked until they were married. They were expected to stay at home and raise children without the prospect of re-entering the labour market. There were some exceptions in sectors that were considered female, for example nursing (Pettinger 2016).

In the thirties the situation changed rapidly. Thanks to the political situation all over the world they started to be employed in professions previously ascribed exclusively to men. The First and the Second World War demonstrated that women were capable of doing various kinds of jobs. The level of employment of women during the World Wars increased promptly because men had to fulfil their military duties and go to war. As a result, also women became breadwinners of the families (Wagnerová 2009: 12). They moved into occupations such as transport, farm work, or policing. Previously the female participation in these occupations had been rare or even non-

existent. This largely ended after the Second World War, but it changed the perceptions of women's role resulting in long-term changes (Pettinger 2016).

After the Second World War and during the Cold War women in capitalist countries helped to start the economic growth of their countries and restore the damage done. Women in socialist countries were charged with building a socialist society. According to Marxist theory, women had to be emancipated especially in the labour market, and consequently become valuable for the national economy (Wagnerová 2009: 12). Despite the rise of women's participation, their labour was lower paid and segregated (Pettinger 2016).

Generally, the employment of women is high, although there are vast differences between the rate for men and the rate for women. As it can be seen in Appendix 1, in 2014, the employment rate for men was at 70.1% in the European Union and 59.6% for women. It is worth mentioning that while the employment rate for men in 2014 (70.1%) was lower than its equivalent level in 2004 (70.3%), there was an increase in the share of employed women, rising 4.1 percentage points from 55.5% in 2004 (Eurostat 2014). In other words, the employment rate for men declined and the employment rate for women rose. Men used to be concerned that allowing women into the labour market would lead to unemployment amongst men and lower the pay. In fact an increased number of women should really depress the wages. However, since the process was gradual, it did not happen. The gradual growth of women in the labour market is in response to growing demand for certain jobs, and is consistent with increasing of the wages (Pettinger 2016).

In many countries, the increasing share of women in the labour market could be also characterised by an increasing share of women working part time. The reason that women more than men work part time is that it is mostly women who bear the double burden of being primarily responsible for raising children while at the same time working (Fredman 2009: 9).

As we can see, the system was reluctant to let women participate in the market. The world has changed immensely since the Industrial Revolution and has not stopped changing yet. The next part of the Thesis is focused on the gender pay gap itself. The aim is to learn what the gender pay gap is and what the causes of the gender pay gap are. I will focus on assessing the trend of what makes the gender pay gap small or big,

why there are such differences between countries and what determines a country to be on either end of the scale.

3. Gender Pay Gap

The gender pay gap represents the lasting inequalities existing on the labour market. It refers to the difference between the wages earned by men and by women (Smith 2010: 3-4). However, the term is more complex than it appears. It not only measures the gap between earnings, it also captures the complex processes on the labour market that lead to women's disadvantage (CEC 2009: 8-9). Despite the decades of equal pay legislation the gap between female and male earnings has stayed resistant. In addition, it is still present in all Member States of the European Union irrespective of welfare models, the level of female employment, or national equality legislations (Vosko – MacDonald – Campbell 2009). Progresses in the methodology of evaluating the extent of the gender pay gap only helped to highlight the persistence of the inequality between women and men's pay (Smith 2010: 3-4; Plantenga – Fransen 2010: 415).

The persistence of the gap does not occur as a result of the ineffective legislation. The fact is that measures needed to eliminate male and female pay gaps require major modifications in labour market behaviour and in the society as such. Equal pay initiatives in the 1970s led to a progress in pay fairness in developed countries but since then the improvement has been slower (Dex et al. 2000; Whitehouse 2003). The legislation adopted many years ago is an important first step in dealing with the gender pay gap (Heide 2001).

The pay gap captures both discrimination and the effect of the differences that are present between men's and women's labour market activities. Therefore, the differential evaluation of these patterns needs attention so as to approach pay disparities. What's more, these disparities increase over the life course and so highlight gender disadvantages from a single point to accumulate over the life course. *“Action therefore needs to be broad and at many levels, while building on legislative foundations from the 1970s”* (Smith 2010: 3).

The appraisals of the pay gap may differ extensively. The results of the analysis depend on the available data, the method used, the particular sample, and etcetera. One country can have it all: wide, average or narrow gender pay gap which is determined on the data used (Plantenga – Fransen 2010: 415-416). Consequently, there are differences in results over time, between member states and even among studies for a specific country and specific companies (Rubery et al. 2002: 55–60). The data used to evaluate the gender pay gap will be assessed in the following chapter.

3.1. Measurement and Data

The most used method is to calculate the gender pay gap as *“the ratio of women’s average gross hourly wage to men’s average gross hourly wage, or as the difference between men’s and women’s gross hourly wage as a percentage of men’s average gross hourly wage. In this case, the gender pay gap indicates how many percentage points the earnings of men have to decrease in order to be equal to those of women”* (Plantenga – Fransen 2010: 415). Or else, it is possible to use the earnings of women as a reference point. Then the gender pay gap shows how many percentage points the earnings of women must rise to be the same as those of men. This definition seems to be more correct from a policy point of view. Nevertheless the European Union indicators for monitoring the employment take the earnings of men as the point of reference (Plantenga – Fransen 2010: 415).

The European Union uses dataset from the Statistical Office of the European Communities (Eurostat) based on the Structure of Earnings Survey (SES)⁸ (Eurostat 2015), which is widely believed to be the most consistent source with regard to accurate and harmonised pay data. The Member States, Candidate Countries and countries of the European Free Trade Association are obliged to do the SES. The statistics ordinarily excludes enterprises with less than ten employees although the presence of smaller enterprises is possible. It covers enterprises operating in all areas of the economy as defined in Statistical classification of economic activities in the European Community, so called NACE (Eurostat SES; Plantenga – Remery 2006a: 21-22).

⁸ „From reference year 2006 onwards, the new unadjusted gender pay gap is based on the methodology of the Structure of earnings survey (SES) according to Regulation 530/1999. The SES is carried out with a four-yearly periodicity” (Eurostat 2015).

The data used in European statistics are in a so called unadjusted form which captures the raw gap in women's and men's hourly pays. The unadjusted gender pay gap does not reflect all of the influencing factors, such as different educational background, type of job, and experience on the labour market, position, or company characteristics. For instance, also the fact that women have tendency to engage more often in part time jobs can explain some parts of the unadjusted gap (EuroFound 2010). These factors are important and can explain a lot and countries can work with them as well. Therefore they will be assessed in the next chapter.

When adjusted for these observable characteristics, leaving what is unexplained or is an outcome of discrimination, the gender pay gap is ordinarily reduced considerably. However, it does not disappear and differences still remain (CEC 2003; Eurostat 2015). Important is that the origins of the adjusted factors are regularly disadvantageous and discriminatory by its very nature, being almost completely the outcome of society's expectations of women and men (EuroFound 2010), for instance concentration of women in lower paying jobs, sectors and companies as we will discuss later on (McGuinness et al. 2009). The effect of the adjustment varies across all Member States, for example in case of Ireland the adjusted gap drops to 8% compared to 22% of unadjusted (McGuinness et al. 2009).

As one commentator puts it, “[i]f high school girls are discouraged from taking the maths and science classes that lead to high-paying STEM⁹ jobs, shouldn't we in some way count that as a lost equal earnings opportunity?” (Coukos 2012).

According to the European Foundation for the Improvement of Living and Working Conditions (EuroFound), official figures on the unadjusted pay gap exposed that in 2007 it was at a level of 17.6% in the European Union. In 2007, the greatest gap was 30.3% in Estonia and the lowest was 2.4% in Malta. In a study conducted by the Maastricht University scholars the adjusted pay gap for eleven countries was calculated with the same dataset and methodology. The results were remarkable since it had been proven that the adjustment can lead to not only reduction of the gender pay gap but also to the expansion. For instance in Portugal or Italy the adjusted gap expands (see Appendix 2), while in other countries it narrows (EuroFound 2010). As some studies show, the adjusted gender pay gap accounts for almost a half of the pay gap (CEC 2003:

⁹ STEM = science, technology, engineering, mathematics

4; EuroFound 2010). Almost a half is a significant part of the gender pay gap. The causes of the gender pay gap will be thoroughly analysed in the next chapter.

Although it may seem, that the adjustment makes the gender pay gap more fair and unbiased, calculating with the unadjusted form has its reason. The gender pay gap is unadjusted, that is to say “...without correcting for national differences in individual characteristics of employed men and women” (Dupré 2010: 1). It is so because at this point there is neither consent nor scientific evidence on which adjustment method should be applied (Dupré 2010: 1).

By using the men’s hourly wage as the point of reference there is an indirect assumption that the men’s wage is the norm and the rightful wage. Although there are no cases for lowering men’s wages to create wage equality, such trends might surely improve the gender pay gap with no or little improvement in women’s pay (Whitehouse 2003). “Only problem is, half the population may not be too pleased with how we can fix it” (Valenti 2014).

It is important to keep in mind that evaluating the gender pay gap over time comes with complications. The core problem is the data quality. We need to be careful when comparing the Member States. “One of the challenges in addressing the extent of the gender pay gap in the EU has been the lack of suitable comparable data” (Smith 2010: 6). A lot of activities of the European Commission fighting for the gender pay equality have been the endeavours of the Member States and Eurostat to improve the methodology calculating the gender pay gap in the European Union (CEC 2009:16). The numbers used to be based on the European Union’s survey on income and living conditions or the European Community Household Panel (ECHP) and national sources. Some years are not available for some countries. Undoubtedly, after the disappearance of the European Community Household Panel survey (ECHP) in 2001 and subsequent appearance of the European Union Statistics on Income and Living Conditions (EU-SILC) in 2003, heterogeneous national data had been used to analyse the gender pay gap. Due to the fact that the gender pay gap was being investigated by many organizations, the results tend to vary to some extent. Nowadays, the Structure of Earnings Survey (SES) is used in a four-year cycle rather than a mixture of many national sources. However, the national sources are still used for the intervening yearly

assessments (Eurostat 2009; Smith 2010: 6; Rubery et al. 2002; Plantenga – Remery 2006a: 22).

Therefore, in the lights of the events, it should be mentioned that the rise of the gender pay gap – from 15% in 2004, 2005 and 2006 under the old methodology to 17.4% in 2007 with the new methodology – does not correspond to the actual increase in the indicator but is the outcome of the methodology change (CEC 2009: 16). Therefore, the differences in data could be explained not by changes in the trend in the gender pay gap but by the consequences of changes in calculation methods.

Since the accessibility and comparability of the data have been problematic the tendencies of the gender pay gap have been hard to analyse. In particular the data on the national level have been problematic and they have had the ability to hamper the analysis of the trends in the pay gap. *“Indeed even within one Member State the inadequacies of measures mean that a variety of levels, and even trends, for the gender pay gap can be identified depending on the data, method of measurement and model used”* (Smith 2010: 7). Unfortunately, the gender pay gap exists either way. We just need not to trust the numbers entirely.

The truth is that in the course of time the majority of countries seem to show a decline in the extent of the pay gap. The Organisation for Economic Co-operation and Development (OECD) investigates variations in gender pay gaps¹⁰ over a period of two decades back. In all of the countries the gender pay gap decreased significantly. According to the study the overall decrease was greatest in the United States and smallest in Sweden. However, the small Swedish upturn has an explanation. In Sweden, much of the narrowing of the pay gap had been fulfilled in the 1970s. (Plantenga – Remery 2006a: 23-24). To illustrate the difference in statistics, according to the OECD study the gender pay gap is 14.3% in 2010 and according to the Eurostat it is 15.4% in 2010. In the Czech Republic the difference is much bigger with 16% according to OECD and 21.6% according to the Structure of Employment Survey for the same year (OECD Statistics; Eurostat Statistics).

According to the SES, at the level of the EU 28, the gender pay gap is 16.4% (data for Greece are missing). In 2013 the greatest gap was in Estonia with 29.9% and

¹⁰ OECDs gender pay gap is defined as an *“unadjusted and defined as the difference between male and female median wages divided by the male median wages”* (OECD Statistics).

the lowest in Slovenia with only 3.2%. On one side of a scale there are countries such as Belgium, Croatia, Italy, Sweden, Malta, France or Poland with favourable results and on the other side there are countries as the Czech Republic, Austria, Germany, the United Kingdom and Slovakia that do not appear to be doing very well. Regarding the Czech Republic, the pay gap had dropped in 2013 as compared to 2008. In 2008 it was 26.2% and in 2013 it was 22.1%, the difference is 4.1% (Bourgeais 2015). Appendix 3 provides an overview of the gender pay gap per country. The data refer to 2013, with the exception of the Ireland data, which refer to 2012.

To sum up, there is nothing like the one and only true number representing the gender pay gap. There are differences in statistics depending on the method used, the data presented, and sample investigated. As a result, there are variations in outcomes over time. These differences are visible both between countries and within a specific country.

The use of detailed data sources on individual workers and companies allows quantifying and localizing resources of different status between women and men in the labour market. On the other hand, analyses are usually not able to distinguish effectively the variances in results caused by different preferences of women and men from those that are caused by discriminatory barriers and gender stereotypes (Jurajda and Munich 2006: 14).

If we want to have a better idea of the size of the pay gap then it is necessary to assess separately the differences in the salaries of comparable workers of different sex (with regard to the rule of equal pay for equal work) and the effect of different concentration of men and women in high- and low-income occupations (with regard to the potential violation of the principle of equal opportunities) (Jurajda and Munich 2006: 14).

It is important to get to know the reasons of the gender pay gap, because otherwise these are just numbers. Gender pay gap, the inequality of pay between men and women, is present because of many factors, not only because of the already presented expectations of both men and women, or stereotypes. Following part is going to help us see the complexity of the gender pay gap and also discover if the homogenous, standardised approach is possible.

4. Origins of the Gender Pay Gap

“The origins of the gender pay gap are to be found beyond the legal framework. Legal action is, therefore, not enough (Špidla 2006)”. Men and women are legally equal, but they are not equal economically. As we will see below, the research problem is deeply rooted in our society and in its social structures.

Vladimír Špidla, that time member of the European Commission responsible for employment, social affairs and equal opportunities, says that the gender pay gap reflects other inequalities between women and men. These are access to education, segregations in sectors, stereotypes, occupations and work patterns, biased evaluation and pay systems (Špidla 2006). In any case, there is more than one cause of the problem and they mingle with each other. The factor can be also for example age, material status or career break due to the maternity leave, which basically affects primarily women (Hedija – Musil 2010: 18).

Reasons for the presence and the extent of the gender pay gap are diverse and interrelated. Besides, these reasons differ strongly between Member States. The ratio demonstrating the gender pay gap for a specific country conceals a lot. The differences are in consequences of career breaks and of course the length of the career breaks, different are also types of professions held by women and men, rate of working part-time due to motherhood, if even practised, or other decisions in favour of family. Different share of women with diverse characteristics work in each country, chiefly because the attitudes, customs and institutions governing the balance between work life and private life are diverse. This influences the careers and consequently the pay of women. Therefore, modifying, as we have already mentioned the term, adjusting the pay gap in a way that would reflect national differences understandably delivers different values of the gap (Dupré 2010: 3).

Within the context of human capital theory the differences are usually explained by following differences in characteristics: education, experience and age. According to many, these differences are relevant, although not to such an extent in the permanence of the gender pay gap. It is said that this decline if importance of the education as a factor is caused by the improvement of the educational situation and the fact really is

that the female participation increased. Consequently, the gender-specific dissimilarities have weakened (Plantenga – Remery 2006a: 25-35).

4.1. Direct and Indirect Discrimination

The parts of the inequalities and the gender pay gap cannot be explained by the differences in human capital – age, experience or education – or job characteristics could be attributed to discrimination, when women are simply paid less than men even though they do the same job or the job with the same value (Brodolini 2011: 4). Of course, it can be also present because of a practise or policy that is not discriminative purposely but which still leads in unequal treatment (EC 2013).

By the direct discrimination, we understand cases when „*women are simply treated less favourably than men*“ (EC 2013). Direct discrimination occurs also when a woman is not employed because of the fact that she is a woman. It occurs also when a woman is laid off from work because she is a woman, for instance when the employer dismisses mothers with small children or young women who might want to start a family (Havlíková). Indirect discrimination is when a seemingly neutral practice puts persons of one sex at a disadvantage as compared to persons of the other sex. Though the “*practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary*”.¹¹ The indirect discrimination occurs for instance when an employer employs women working part-time, but pays them a lower hourly pay than men who work full time. The employer justifies this by claiming that he or she prefers employees who work full time (Havlíková).

Nevertheless, the discrimination has been well prevented owing to legislations both at the European and Member State level (Brodolini 2011: 4). Despite the legislation, it can be argued that both direct and indirect discrimination are still present and explain part of the pay gap. In my opinion however, it is very hard to tell apart and handle it in the appropriate way.

¹¹ EUR-Lex 2016. (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ac10940#document1>, 10. 5. 2016).

4.2. Vertical and Horizontal Segregation

The undervaluing of the work of women in terms of gender is an important causal factor of the gender pay gap. Women tend to get smaller pays than men in spite of doing jobs of the same value. Women's competencies are often valued differently compared to men's competencies. Quite often it can be seen that occupations demanding similar qualifications, skills and experience tend to be undervalued and paid poorly when they are dominated by women. For instance, the cashiers in supermarkets (according to the statistics chiefly women) generally earn less than the employees (chiefly men) who stack shelves and other physical tasks (Brodolini 2011: 4-5).

The persistence of the gender pay gap can be also partly explained by the occupational segregation of men and women into different types of jobs. Although legislative might exclude direct discrimination, the chances for differences in remuneration expand when women and men are concentrated into different sectors and occupations. The thing is that the non-discriminatory pay differential can be present together with the gender pay gap as long as men and women are not evenly dispersed across low and high paying occupations (Robinson 2001:158).

To put it simply, the segregation is the distribution of people within jobs, sectors and occupations, as a result of which women and men find themselves in different types of roles and are often employed in different occupations. It is as if there were two separate labour forces. It can be argued that segregation is caused by discrimination. We differentiate two types of segregation: horizontal (sectorial) and vertical (occupational) job segregation.¹² The gender pay gap captures the different evaluation of the roles attached to these occupations (Brodolini 2011: 5)

Horizontal segregation arises when the different sexes work in different kinds of sectors and occupations.¹³ This phenomenon is observable everywhere around us. The society usually takes for granted that for instance teachers in kindergartens, nurses, administrative workers or secretaries are women. On the other hand, men play the ascribed role as engineers, doctors, or chefs. Czech language does not help the cause,

¹² Encyclopedia.com (2016) dle Marshall, Gordon. Occupational segregation. A Dictionary of Sociology. 1998. (<http://www.encyclopedia.com/doc/1O88-occupationalsegregation.html>, 25. 4. 2016).

¹³ Encyclopedia.com (2016). dle Marshall, Gordon. Occupational segregation. A Dictionary of Sociology. 1998. (<http://www.encyclopedia.com/doc/1O88-occupationalsegregation.html>, 25. 4. 2016).

since it is quite common to call a profession either by its masculine or feminine form. The problem is, when people use the generic masculine form, they automatically visualise a men, and vice versa. Thus when we talk about nurses, teachers or shop assistants, they are in a feminine form. On the other hand, we usually talk about lawyers, politicians or servicemen; they are in a masculine form.

Women, that is to say, have a tendency to work not only in different sectors of the economy, but also hold different positions than men and thus are penalised. The size of the penalty may vary, nonetheless, depending on the country and its structures. Vertical segregation arises when one type of employees, in this case men are concentrated in higher status – and consequently also better paid – job positions. Occupational segregation is prevalent in all societies though it arises in different degrees.¹⁴

Different representation of women and men in certain types of jobs or positions is largely associated with their different levels of education, different fields of study and different preferences in career choices. Differences in preferences can then be either natural or caused by gender stereotypes. The occupational segregation is probably caused also by an unequal access of women to some professions (Jurajda and Münich 2006: 15-16).

In spite of the variety of the factors, the occupational segregation is considered to be the main cause affecting the wage differences. This is why the most country studies concentrate on segregation of women in low paid occupations – perceived both in terms of horizontal and vertical segregation (EuroFound 2010: 8-9). What is attention-grabbing, the share of employees having a female supervisor grew from 24% in 2000 to 33% in 2015. That means that 67% of employees continuously have a male supervisor. We can however still go further with the analysis. It reveals us that about 50% of women have a female supervisor, compared to about 15% of men (EuroFound 2015).

Occupational and sectorial segregations work hand in hand. Analysis of employment and earnings show, that men tend to dominate and are over represented even in typically feminised sectors (horizontal segregation) in high positions (vertical

¹⁴ Encyclopedia.com (2016). dle Marshall, Gordon. Occupational segregation. A Dictionary of Sociology. 1998. (<http://www.encyclopedia.com/doc/1O88-occupationalsegregation.html>, 25. 4. 2016).

segregation). This could occur for example in teaching (EuroFound 2006). “*The impact of the undervaluation of women’s work can be seen in the effect on wages of working in a feminised sector*” (Brodolini 2011: 5). Jim Allen and Karin Sanders (2002) find that working in a predominantly feminised sector decreases individual pay levels across twelve countries, including six European Member States.

Women are often employed as shop assistants, administrative assistants or low-skilled workers – these occupations embody almost half of the female work force. Women tend to work in low paid professions (e.g.: cleaning and care work). There are fewer women in the highest paid levels and the positions of decision-making, even in sectors they tend to dominate (Brodolini 2011: 5). For instance, only about 17% of women represent board members in the largest publicly listed firms within the European Union and only about 4% of women are CEOs or member of Chairs of boards.¹⁵

Also gender stereotypes and traditions belong among the causes of the gender pay gap. Traditions and stereotypes on the roles of both men and women could affect their life choices, educational and career path. Such choices lead both men and women towards typically male and female professions. But then again female professions tend to be paid less. Though it is important to be aware of the fact that in some cases it just reflects personal choices of women (Brodolini 2011: 6).

Although about 57% of all university graduates in the European Union in 2013 were women, they are a minority in courses of study like mathematics, science, engineering, computing fields, manufacturing and construction-related fields. As a result there is a smaller number of women working in technical and scientific occupations. On the other hand men are a minority in fields like business and law, social sciences, humanities and arts, health and education. In services, agriculture and veterinary fields the number of graduates was balanced between women and men in 2013.¹⁶

Additionally the appraisal of performance and consequently also pay and career level can also be unfair for women. For instance, where both men and women are to the same extent well-qualified, more value can be assigned to the responsibility for capital

¹⁵ European Commission. *What are the causes?* (http://ec.europa.eu/justice/gender-equality/gender-pay-gap/causes/index_en.htm, 10. 5. 2016).

¹⁶ Eurostat. *Tertiary education statistics*. (http://ec.europa.eu/eurostat/statistics-explained/index.php/Tertiary_education_statistics, 2.4.2016).

and physical strength than to responsibility for human factor and interpersonal skills (Brodolini 2011: 5). “*This is where the principle of “work of equal value” needs to be carefully examined*” (Brodolini 2011: 5).

Some of above mentioned sectors are characterised by higher gender pay gaps. Such sectors include insurance and finance, where the income is generally higher for both men and women. Also in mostly feminised sectors, for instance healthcare, education or social work, the pay gap tends to be higher, even though the pay in this particular sector is usually low all together. Quite the contrary goes for sectors employing very few women, such as building and construction, or mining. The gender pay gap seems to be quite low in such sectors. This trend was reported in the Czech Republic, France, Belgium, Norway or Germany. Furthermore, in Slovenia, Hungary, or Croatia, women can earn more than men in these sectors (Foubert 2010: 9).

The segregation is not necessarily negative for women. It is important to understand that not all female dominated jobs are paid poorly. But still, the segregation reduces the access to better-level jobs and generally employment choices in general. The segregation can make the undervaluation of female dominated sectors and jobs possible. The connection between segregation and undervaluation of the work of women can be explained via the five Vs. The first one is *visibility*, which means that skills might not be recognised. Then there is *valuation* when skills might not be very much valued, *value added* when females’ jobs are concentrated in low work intensive and low value added occupations, *vocation* when caring ability is not rewarded because it provides fulfilment, and *variance* when occupations that do not fulfil a male standard of full time work is less valued (Burchell 2014: 7).

Reasons for the persistence of the gender segregation have a tendency to put emphasis on either supply or demand factor. Supply-side explanations are likely to highlight either understandings of differences in women’s abilities, orientations and talents compared to men or the influence of motherhood on women’s career choices. According to researches, the “choices” women make are conditioned by the childcare and employment support options in the labour market. On the side of the demand, company’s behaviour generates and sustains segregation through the recruitment and employment practices that could exclude either men or women from certain careers (Burchell 2014: 7-8).

Although this could be partly a result of women and men personal choices, and even that can be argued, it can be stated that generally women work in lower paid and lower valued sector. Stereotypes, traditions, values under which women are raised, societal expectations of women play a major role in choosing our careers. This together with the fact that women are constantly expected to interrupt their professional careers to carry out children, quite often not returning to them, makes the problem more complicated.

As with everything, there are some measurement problems in studies of the occupational segregation. The problem is there is no consent in response to the question when exactly we start to speak of the occupational segregation, or what the exact proportion of employees in one job as against another job is before the segregation can be assumed to exist. The nagging question also is to what extent one sex must dominate the higher status occupations so that we speak of the segregation.¹⁷

The current situation, considering all occupations, is that there are 18% of women working in the so called mixed occupations, where the share of men and women is about 60% to 40%. There are 69% of women working in female-dominated occupations, which means there are more than 60% of female workers and there are only 13% in male-dominated occupations where the majority (over 60%) of workers are men. On the other hand, about 15% of men work in the mixed occupations and about 59% in the male-dominated occupations. And so there are 26% of men working in female-dominated occupations (Burchell 2014: 8).

A situation can occur when a woman can get higher position in management but suddenly hits the so-called Glass ceiling. This is a metaphorical expression when the ceiling represents the limit of career advancement of women. Women are not permitted to go above the ceiling even if they are well qualified and are ready for promotion. They are denied the access to the paths that would help them to achieve the higher positions (ČSÚ 2013). The work of women is often considered to be less valuable than men's work. Men sometimes have higher salaries just by nature of their masculinity. Paradoxically, in female-dominated occupations, men have an easier access to

¹⁷ Encyclopedia.com. (2016) dle Marshall, Gordon. Occupational segregation. A Dictionary of Sociology. 1998. (<http://www.encyclopedia.com/doc/1O88-occupationalsegregation.html>, 25. 4. 2016).

promotion and career advancements. This phenomenon is referred to as Glass elevator for men (MŠMT 2010).

4.3. Education, Experience and Age

Within the context of human capital theory the gender pay gap is usually explained by following differences in characteristics: education, experience and age. Although the importance of education as a factor of the gender pay gap has weakened, in some sense it is still one of the crucial factors that affect participation of women in the labour market and also the level of their earnings. Generally, in the European Union the gender pay gap is considerably higher for those with tertiary education than with lower education level. In 2006 the unadjusted gender pay gap was 26.1% for the higher education and 13.9% for the lower education in the European Union (Dupré 2010: 4-5).

The situation differs among Member States. The gender pay gap in the Czech Republic or France mirrored in 2006 the pattern of the European Union's average (see above). On the other hand however, in Belgium and Lithuania the situation was quite reverse. The gender pay gap was lower for those with higher education. In the United Kingdom or Bulgaria the gender pay gap is not that dependent on the level of education (Dupré 2010: 5).

One of the potential sources of the already discussed occupational segregation within the population of young people with tertiary education is the segregation of men and women in various fields of completed studies (eg. humanities versus engineering). Professor Štěpán Jurajda and Docent Daniel Münich prove that in the Czech Republic both the choice of field of study and the consequent occupational choice contributes to the observed degree of occupational segregation by gender. According to the scholars, it is possible that both sources are equally important (Jurajda and Münich 2006: 16).

It can be said that the gender pay gap is lower for young employees than for older employees. Negative effects on the careers such as parental leaves and motherhood do not apply in this period of life and young men and women are provided with comparable education. Moreover the youngest employees can benefit from current policies promoting the equality of women and men. In contrast, older women know the consequences of career breaks. There is indeed an increase of the pay gap with age in

the European Union; the gender pay gap is lowest in the 20-29 age groups and highest in the 30-49 age groups. After the first few years of working the majority of women have children and are likely to stop working to bring them up. Men on the other hand usually continue their careers and consequently earn more. This is truth for the Czech Republic as well. In some countries like Germany or Belgium the pay gap is the highest in the age groups of over 55 or 60 (Dupré 2010: 5-6; Foubert 2010: 9).

The working experience is closely linked to the gender pay gap and it is mostly women who leave jobs to stay at home with their new-borns. Although parental leave is possible in all Member States, there are enormous differences between the states. They differ in the length of parental leave and also in the financial contribution. The length of the leave is crucial. The longest period for a parent to take the leave has been calculated for the Czech Republic. The paid maternity and parental leave combined lasts for a period of three years. In addition, many women choose to give birth to another offspring and consequently the parental leave is longer. The parent therefore may well be outside the labour market for six years (Schulze - Gergoric 2015: 78-81). Parental leave, as the name suggests, is available for both mother and father. However, it is mostly the mother who stays with her child.

The whole parental leave is very problematic in terms of the careers. I am not in the slightest implying there is a perfect solution and perfect time spent with an offspring. However, the fact is that after a long parental leave the value of work experience of women right after the parental leave and women shortly after graduation is comparable. The return to work could be very problematic.

Mothers often lose work habits and contact with the employee and the companies. In case of the Czech Republic the return to the original job after several years of the leave could be very challenging. The earlier return to work simplifies the reintegration. Part time work, which will be discussed later on, could be also very helpful, although in the Czech Republic it is still a problem.¹⁸

Estonian scholars proved that for each child the earning power of a woman tends to be reduced (by 3.6%), while the earning power of man is not affected. In Norway for

¹⁸ Mateřská a rodičovská dovolená jsou v Česku delší než jinde v Evropě. Najdou však po dlouhé pracovní pauze ženy práci? (<http://www.personalista.com/trh-prace/materska-a-rodicovska-dovolena-jsou-v-cesku-delsi-nez-jinde-v-evrope-najdou-vsak-po-dlouhe-pracovni-pauze-zeny-praci.html#sthash.9LWBtkII.dpuf>, 10.5.2016).

instance, having a child explained about 36% of the pay gap in 2010. In Germany, it has been proven that the gender pay gap is reduced to only 6% when the women return to work within 12 months and work full time. In contrast, the gap rises to 14% for women who return to work after three or more years (EuroFound 2010: 29).

4.4. Flexible Work Arrangement

Also a type of flexible work arrangement, part time work is the significant factor of the gender pay gap. In spite of the fact that the majority of the part time workers are women, female part time workers earn less in comparison to male part time workers (EuroFound 2006: figure 3). The pay gap per hour among part time workers is surprisingly wider than among full time workers (Grimshaw – Rubery 2001). Women are four times more as likely as men to start working part time. Part time jobs are usually low paid, with rarer prospects for career growth and access to training. The interaction of lower salary, part time work, and the separation of women and men into different types of jobs influences women considerably (Brodolini 2011: 5-6).

The effect of parenthood – in this case rather motherhood – and care of the elderly which is considered to be one of the women’s responsibilities make women more predisposed to starting part-time jobs. It is not only the lower pay associated with motherhood and the consequent part time jobs that effect women. The price paid is also the costs of years spent out of the labour market and reduced working hours while doing part time jobs (Grimshaw – Rubery 2001). The impact of course varies between the Member States, since it depends heavily on the level of support provided to working parents (Brodolini 2011: 6).

The factor of working part time may not appear that significant since the share of part time workers in the Czech Republic is one of the smallest in the Europe. However, the number of part time workers in the European Union as a whole is quite substantial and the numbers have been growing steadily from 16.7% in 2004 to 19.6% in 2014. However, the differences between each Member States are tremendous. Undoubtedly the highest share of people working part time is to be found in the Netherlands, where there were 49.6% part time workers in 2014. About a quarter of people in employment in Germany, Austria, Denmark, the United Kingdom, Belgium, Sweden, or Ireland

work part time. On the other side, working part time is rather rare in Bulgaria where only 2.5% of people in employment work part time, as well as Hungary, Croatia, Slovakia, and the Czech Republic, where the share of part time workers does not go above 5.5% in 2014 (Eurostat 2014).

The occurrence of the part time work varies considerably between women and men. Generally in the European Union, there are 32.2% of women working part time in 2014. The number for men working part time is much lower – 8.8% in 2014. The highest rate is in the Netherlands where there are 76.7% of all employed women on a part time schedule in 2014 (Eurostat 2014).

According to Didier Dupré, the participation of women on the labour market of a country is associated with the gender pay gap for the whole country's economy. In Member States with the low gender pay gap, the employment rate of women is relatively low in comparison to the European Union's average. This trend mirrors chiefly the low share of unskilled women in the labour force. On the other hand, those European countries before the 2004 Enlargement that have a rather high gender pay gap, for instance Austria, Germany, the United Kingdom or the already mentioned Netherlands, can be to some extent clarified by higher female employment rate. It can be explained by the fact that a great share of women work part time in these Member States (Dupré 2010: 3-4).

“A possible explanation of these results could be that, in Member States with an overall low participation of women in the labour market, women working are often those who can take home relatively high wages” (Dupré 2010: 4). This is a so called self-selection effect, which means that only women that anticipate high salaries participate. Those women work particularly in sectors where salaries are high (Dupré 2010: 4).

If we consider the wages with regard to the number of hours worked, we would come to the conclusion that the wage gap becomes smaller. Gender pay gap is usually calculated from the gross monthly salary. However, it is understood that an employee working more hours per month, receive higher wages since the employee spends more time at work. From the statistics it is also clear that women around the world work, on average, fewer hours per week than men. According to the Czech Statistical Office, women working full time worked in 2010 on average 36.2 hours per week. For men, the

number of hours spent at work was 39.6 hours. Throughout the years from 1993 to 2010 men worked an average of 3 to 4 hours a week more, which makes difference of 12 to 16 hours a month (Kummerová 2012: 24).

In my opinion, this significant difference in hours worked must be visible in the salary. This indicator is not however taken into account and even if it was, it could be assumed that the employer evaluates better employees working more hours taking into account their motivations, work effort, and loyalty. Though, this brings us to the very beginning of the problem since it could be argued that while men stay at work being the breadwinners, women go home to take care of the children.

4.5. Migrants

Female migrant workers suffer twofold difficulties on account of their origins and gender. According to the Eurostat¹⁹ in 2013 total amount of immigrants in the Czech Republic was about 30 thousand. The number is low compared to countries such as Germany with about 693 thousand of immigrants or the United Kingdom with 526 thousand. These numbers could be more thoroughly analysed, although for our purpose these are sufficient for it is important for Czechs with such a small number of immigrants to realize that the problem is present. *“Studies have shown that migrant women not only earn less than migrant men, but also that they earn less than native-born women for doing the same work”* (Brodolini 2011: 6).

As it has been verified, gender pay gap is a very complicated phenomenon and it is definitely not something that could be corrected overnight. We would have to address specifically every individual to really get to know the specific reasons behind the fact that an individual woman is paid less than an individual man. The average pay gap which is however widely used is not that effective of an indicator.

¹⁹ Statistika migrace a migrující populace. (http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics/cs, 10. 5. 2016).

III. TACKLING THE GENDER PAY GAP WITHIN THE EUROPEAN UNION

According to Věra Jourová, European Commissioner for Justice, Consumers and Gender Equality, the European Union promotes gender equality with encouraging results. On the other hand however, “[w]omen are still less likely than men to be in paid employment, they tend to work less hours, they have lower hourly wages, and they are concentrated in fewer well-paid sectors. Women still face large barriers to advance into senior management” (Jourová 2016 in EC 2016: 7). Věra Jourová compares the gender equality to a moving target. She says that by understanding the roots of the inequalities, there is a chance to mobilise the key players and tackle the inequalities comprehensively (EC 2016: 7).

Gender equality has been a fundamental principle and a common value of the European Union, which extends to all spheres of social life. The principle of gender equality has been embedded in primary law since the 1950s of the last century, but its character is often regarded as ambiguous. On the one hand, the efforts of the Union are nowadays characterized as significant and progressive in relation to the promotion of gender equality within the Member States, some of them being in this direction rather resistant. But also, the Union is criticized for favouring liberalization and privatization instead of strengthening the welfare state and protecting the employee rather than civil rights (van der Vleuten 2007: 11).

In recent years, it has been necessary to take into account the significant changes in the approach to the formation of gender equality policies at European Union level. Detailed glimpse at European legislation confirms the conceptual reversal of the policy of equal opportunities as a means designed to guarantee women equal rights to such gender equality policies which seek to tackle socially constructed inequalities not only in employment (Sümer 2009: 68).

The European Union follows the dual approach by both initiating specific measures, such as legislation, financial programmes, or awareness-raising campaigns, and implementing the gender mainstreaming. Gender mainstreaming is the incorporation the gender equality perspective into every stage of policy process, in all areas, at all levels with a prospect for promoting gender equality. It means evaluating

how every policy affects both women and men, and if needed taking steps to change the policy (EC 2011: 7).

Creating complete equality for men and women includes the establishment of formal equality (*de jure*), especially legal prohibition of discrimination. However, that does not guarantee the effective enforcement of the principle of equality in everyday life (*de facto*), because the legal prohibition of discrimination can control only the outward behaviour of people, but cannot affect inner attitudes or opinions. Therefore we have to keep in mind that the attention must be also paid to the fulfilment of the principle in practice.

The European Union provides funding for projects tackling the components of the gender pay gap and supports the Member States in terms of the implementation of the existing rules (EC 2015). The European Union has built a number of tools to promote equality between men and women, from legislation through gender mainstreaming to financial support or specific measures. The aim of the chapter is to explore the fight against the gender pay gap at the European Union level and at the level of individual Member States.

1. The Gender Equality in the European Agenda

Currently, legislation on gender equality is the core of the policy on equality of the European Union. Its creation is far from the original objective imagined by the community, but was rather a side effect of political concessions of the Member States. It was initially limited primarily to the issue of equal pay for equal work, but soon it became the impulse for expanding the agenda of equality to other areas (Roth 2008: 3).

The creation of the legal framework and other socio-political instruments was inspired by other international entities. Equality between men and women then forms the cornerstone of promoting equal opportunities and is basis for protection against discrimination based on other reasons, such as for instance race, colour, religion, national or ethnic origin or sexual orientation. The legislation of the European Union in its present form with its own legal personality takes precedence over national law of the Member States (FRA 2011).

Promoting gender equality in the European Union has some history, and it is performed at the same time not only at the level of the law itself, but also by other socio-political instruments (Koldinská 2010: 73).

The European Union's founding treaties as the primary source of Union law are legally binding to all Member States. Principle of the pay equality dates back to 1957 when it became inseparable part of the Treaty of Rome (FRA 2011: 13 – 14). However, the principle of equal pay for equal work was incorporated into the contract for purely economic reasons and it is certainly not possible to talk of motivation to promote women's rights (van der Vleuten 2007: 50). The main objective of the European community, and especially France, was to ensure uniform conditions within the emerging single market for all member countries (Martinsen 2007: 548).

The introduction of the principle of equal pay in the legal systems of individual countries has become one of the priorities of the Social Action Programme of the EC in 1974. The Commission found its most competent allies in the women's movements, whose mobilization intensified under the pressure of the then social changes. The massive entry of women into the labour market and rising education levels helped them to unitize their political preferences (van der Vleuten 2007: 73).

The Amsterdam Treaty of 1997 was a significant shift which enabled the entry of the key concepts of gender equality in primary law of the European Union. The important breakthrough for gender equality policies was the concept of gender mainstreaming, which sets out the necessity to eliminate inequalities in all activities. According to Koldinská the most striking change since the inception of European integration has been brought by an article that provided space for addressing multiple inequalities (Koldinská, 2010: 70-71). That means that the new Article 13 of the Treaty enables the Union to take measures to combat discrimination based not only on sex, but also on religion or belief, racial or ethnic origin, age, disability or sexual orientation.²⁰ Even though the new Article has no direct effect, it must be emphasized that it treats not only the area of employment, but also people in all areas of life outside the labour sector.

²⁰ EUR-Lex. Fundamental rights and non-discrimination. (<http://eur-lex.europa.eu/legal-content/CS/TXT/?uri=uriserv%3Aa10000,1.5.2016>).

Today the legal basis for the European Union exists under the Treaty of Lisbon from 2009. The treaty brought some changes and updates, when among other things, authorized the use of positive action (Koldinská 2010: 69). In December 2000 the Charter of Fundamental Rights of the European Union was adopted. It was incorporated into the EU Constitutional Treaty. The Charter sets out the civil, political, economic and social rights of European citizens. One of the principles of the Charter is the equality and within it also the gender equality. The Charter stipulates that equality between men and women must be ensured in all areas, including employment, work and pay. At the same time, the Charter says that the principle of equality shall not prevent the adoption or maintenance of measures providing specific benefits in favour of the underrepresented sex (Suchomelová 2006: 5).

Thanks to the look into the primary law we can see a gradual evolution from a relatively narrow coverage of gender equality based on the equal pay to a relatively broad coverage. Gender equality in the law of the European Union should be seen both as a means of applying formal rights, and also as one of the principles of the European integration (Koldinská 2010: 73-75).

The European Union uses many instruments to promote gender equality. The matter does not occur only in primary law. The so called secondary law of the European Union consists of regulations, directives, decisions, recommendations, action programmes etc. Directives are the most frequent in the field of equality between men and women. A directive is a legislative act setting out an objective that all countries have to accomplish. However, it is up to the countries to adjust their own laws to reach the goals (Heide 2004: 18). The secondary law also includes judicial decisions of the European Court of Justice (Koldinská 2010: 80-81).

The decisions of the European Court of Justice could address for instance directives on equal pay, on equal access to employment and preparation for the career including promotion, equality in social security system and the protection of women during pregnancy and early motherhood, and also the coordination of professional and family life, including the issue of working part time and parental leave (Koldinská 2010: 79-132).

There is no need to mention every directive related to the gender equality. I will, however, mention the first one issued on gender equality in 1975. Among other things,

the Directive on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women expanded the connotation from equal pay for equal work to equal pay to work of equal value²¹ (Hantrais 2007: 128). We should not undervalue the impact of the Directive. Almost sudden change made employers and public bodies to examine the pay systems and act in accordance with the new laws addressing longstanding pay inequalities. Concrete actions of the 1970s with the specific objective to combat the gender pay gap triggered efforts addressing inequalities, such as safety and health issues around pregnancy, inequalities arising from unequal distribution of men and women in atypical working arrangements, and difficulties of self employed women (Smith 2010: 9).

The crucial directive is the Recast Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. *“This Directive, which merged previous equality directives and case law,”* [dating back to 1975], *“also introduced several new elements on the definition of pay and status of pension schemes, together with references to the reconciliation of work, private and family life and to discrimination arising from gender reassignment”* (Shreeves – Sabbati 2015).

The transposition and implementation of the crucial Directive 2006/54 has been problematic and questions have been raised regarding the effectiveness. The deadline to implement the Directive was in 2008, but the European Commission in 2013 concluded that 26 Member States had not taken the opportunity to review their systems or to remodel their equal treatment legislation. Furthermore, few had transposed the new components on gender reassignment extending the protection to transgender people (Shreeves – Sabbati 2015).

“[T]he Commission noted that the practical application of equal pay provisions in Member States seems to be one of the Directive’s most problematic areas” (Shreeves – Sabbati 2015). Therefore, the attention has also been brought to the need for more effective enforcement of the Directive 2006/54 at national level (Shreeves – Sabbati

²¹ The work of equal value is *„the work that might appear to be different but work is of equal value if the same high demands are made on work criteria – such as knowledge and skills, effort and stress, responsibility, conditions in the work environment“* (Davulis 2012).

2015) and the Commission plans to monitor the correct application of the equal pay provisions (EC 2014).

In addition to the above-mentioned other legal, political and social tools are used to promote gender equality. In 1997 the European Employment Strategy was formed, which is now part of the Europe 2020 growth strategy and among other things seeks to promote equal opportunities in the labour market.²² In 2000 the Community Framework Strategy on Gender Equality 2001-2005²³ was adopted followed by the Roadmap for Equality between Women and Men 2006 - 2010.²⁴

The Framework Strategy and the first European Pact for Gender Equality of 2006²⁵ focuses on gender mainstreaming in all policies that would have direct or indirect effect on the equality objective using the proactive intervention²⁶. The tactic of mainstreaming is a major turning point as compared to past actions that were based primarily on isolated programmes and activities. Moreover, the Framework Strategy aims to provide support for implementing transnational projects, improving collection of data, and organising awareness-raising campaigns. The Framework Strategy reaches several fields all affecting the position of a woman in society: economic life, gender roles and stereotypes, social rights, civil life, and equal participation and representation.²⁷

The Communication on the gender pay gap adopted in 2007 put forward a series of actions to tackle the problem of the gender pay gap. The actions consist of combating the pay gap in employment policies, better application of the legislations, promoting equal pay through social partnership and among the employers, and last but not least, supporting the exchange of good practices (EC 2014). *“The approach adopted by the Communication recognises the need to make the most of existing legal framework around the gender pay gap but also develop a mainstreamed and, multilevel approach*

²² European Committee. European employment strategy.

(<http://ec.europa.eu/social/main.jsp?catId=101&langId=en>, 10.5.2016).

²³ EUR-Lex. Community framework strategy on gender equality (2001-2005). (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ac10932>, 9.5.2016).

²⁴ EUR-Lex. Roadmap for equality between women and men (2006-2010). (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3Ac10404>, 9.5.2016).

²⁵ Euroskop. Lidská práva. (<https://www.euroskop.cz/679/sekce/lidska-prava/>, 9.5.2016).

²⁶ Proactive interventions are used on an on-going basis to reduce the probability of the occurrence of the particular behaviour. The interventions are preventative and usually manage the situations that precede the particular behaviour consequently reducing the future occurrence of the behaviour (Champlin 1991:1).

²⁷ EUR-Lex. Community framework strategy on gender equality (2001-2005). (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ac10932>, 9.5.2016).

to addressing gender pay inequalities” (Smith 2010: 10). The Communication also includes raising awareness and reflection on the method how current laws could be improved (Smith 2010: 10).

Closing the gender pay gap using both legislative and non-legislative methods is also an objective of the Strategy for equality between women and men 2010-2015 (EC 2014). The Strategy aims also for the tackling gender violence, equality in senior positions or the economic independence of women where the enhancement of the quality of jobs and coordination of work and family life is needed.²⁸

Making better use of women’s skills and talents is present also within the seven flagship initiatives of the Europe 2020 Strategy, which objective is to create better jobs and reach a higher employment rate for women by 2020 (EC 2014).

The European Union also wishes to change the stance on gender roles in schools, in the work, in the home, and in society in general (EC 2014). Professor Mary Brinton, Reischauer Institute Professor and Department Chair of Sociology at Harvard University undertook a research in 17 European Member States from 1990 to 2010 regarding the changing gender role attitudes. She found out that *“beliefs about male superiority have decreased drastically over time, but may have been supplanted by gender essentialist notions of what is “normal” for men and women that have slowed changes in gender roles*” (Coquillet 2016). The changes have stagnated in several areas, including changing household roles, decreasing occupational segregation and closing the wage gap (Coquillet 2016).

In accordance with the 2007 Communication, the Awareness-raising campaign on the gender pay gap was launched in 2009 ending in 2012. The objective of the campaign was to raise awareness among employers, employees, or the public generally on the persistence of the gender pay gap. The activities of the campaign included for instance partnership with decision-makers, non-governmental organizations, experts working on the gender pay gap issues or recruitment agencies, but also advertising in the press and in the public transport.²⁹

²⁸ EUR-Lex. Strategy for equality between women and men 2010-2015. (<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:em0037&from=CS>, 10. 5. 2016).

²⁹ European Commission. What is EU doing. (http://ec.europa.eu/justice/gender-equality/gender-pay-gap/eu-action/index_en.htm, 10. 5. 2016).

Following the Awareness-raising campaign on the gender pay gap, the European Equal Pay Day was instituted to be held every year to draw the attention to the fact that the gender pay gap still exists. From the Equal Pay Day onward women symbolically stop being paid for the rest of the year. Men on the other hand continue to earn until the last day of the year (UWE 2015).

Similar to the above-mentioned, the Equality Pays Off project was launched on the European Union level during 2012 and 2013. Its objective was to raise awareness among companies of the access to the work potential of women in a perspective of skill shortages and demographic changes. Dozens of events, national workshops and trainings on equal pay were organised during that time and numerous training manuals, handbooks and information material were produced (EC 2014).

In 1993 The European Social Fund was established to tackle differences in living standards and prosperity across the Member States and regions. One of the priorities of the Fund is the equality between men and women and it has already made some important contributions in the matter (EC 2011: 8). The European Social Fund is implemented in a partnership between the European Commission, national authorities and also regional authorities. The crucial principles guiding the functioning of the Fund are co-financing and shared management. Co-financing guarantees the ownership at national level, since the co-financing rates fluctuate between 50% and 85% of the project costs. Shared management allows Member States to take the responsibility and the implementations are therefore managed by the relevant authorities.³⁰

To support the effort and to close the gender pay gap, the European Union encourages exchanges of good practices and information in the form of co-funding projects that were launched not only by the Member States, but also by for instance local public authorities, social partners, or NGOs. The projects are focused on numerous equal pay issues: some cope with the role of employers' and employees', others attempt to tackle stereotypes. *"The variety of approaches adopted reflects the intricate nature of the issue, as highlighted by all the project promoters"* (EC 2007: 5). The exchange of good practices promotes transparency of the key information about the gender pay gap

³⁰ European Commission. How the ESF works. (<http://ec.europa.eu/esf/main.jsp?catId=525&langId=en>, 10. 5. 2016).

providing the information to the relevant actors. It provides motivation to act in creating obligations (Smith 2010: 12).

2. Promoting the Pay Equality at the National Level

The systems at national levels are very heterogeneous and therefore there is a need to adopt a multi-level approach to address the gender pay gap. The initiative of a Member State can complement the European legislation and draw on the European leadership. The multi-level, multifaceted approach needs the European Union leadership in coordinating policies, targets, and promoting good practice (Smith 2010: 2-3) There is a national equality body in all Member States monitoring the application of the laws. The bodies meet on a regular basis with the European Commission to exchange ideas, information, and best practice (EC 2011: 6). The European Union also provides a framework for engagement of Social partners in promoting good practice and maintaining pressure for progress (Smith 2010: 2-3).

Usually, Member States initiatives do not address the gender pay gap specifically. They do so indirectly by addressing gender equality as such. Yet, there are some actions with the objective to reduce the gender pay gap directly. These can be found for instance in Belgium, Austria, Finland, Denmark, Sweden, the Netherlands, or France (EuroFound 2010: 14).

In Luxembourg, the Labour Code establishes equality of treatment in connection with the access to employment, professional promotion, equality in terms of pay and working conditions. In Cyprus, several amendments were made to the legislation on equal pay, which is expected to eliminate the gender pay gap. In Italy, the equal pay as men is the right of women and job classification systems are obliged to adopt the same criteria to set the wage levels for women and men. As regards the gender pay gap, a programme was introduced in 2008. The programme says that positive actions measures should meet the following aims: reduce the gender pay differences, advance careers of women to also allow for a fair distribution of tasks, adapt the organisation of work and performance evaluation (EuroFound 2010: 14).

In addition to the monitoring of pay differences, which is practised by the majority of Member States, some countries have the objective to ensure transparency. In Denmark, Sweden, or Italy, companies with more a certain number of employees are obliged to report on the gender pay gaps. The employers have to report on explaining and addressing the reasons of the gender pay gap. This helps to improve information on companies' pay differentials (EuroFound 2010: 15).

The facts and the data demonstrate that regardless of the importance of the existing legislation an active approach is necessary in order to achieve gender equality. The society is not uniform and therefore we need not to rely only on laws that establish the same rules for all and wait for the equality to just happen. The problem of discrimination, both in employment and other areas of life, is not going to disappear by itself, at least not that quickly. There is the horizontal and vertical segregation, or for example the uneven division of the domestic and family responsibilities of women and men. Women are simply paid less due to many factors, as we have already proven.

Proactive measures are being increasingly used to promote gender equality. They offer more effective ways of ensuring that discrimination laws are fulfilled. They focus on measures to achieve equality between men and women with the responsibility placed on employers and public authorities, who could bring change, whether or not responsible for the problem. The proactive measures can also take active steps to promote equality. Important is the fact that such measures address the primary causes of the gender pay gap and inequalities as such and prevent them from happening in the first place (Fredman 2009: 29-36).

The proactive measures include mainstreaming, positive action, good practise, and others. The names are often interchangeable, however, the essence of the models are the same. They are forward-looking, requiring a wide variety of actors to take initiative. They aim to implement express policies to further the gender equality, change ineffective practices. There is a great variety of the measures. Some impose legally binding obligations; some are based in policy measures. Some include an element of free will, some are enforceable through judicial system and some are based on political accountability and goodwill (Fredman 2009: 29).

2.1. Positive Action Measures Addressing the Segregation

The role of individual governments of the Member States in promoting the use of positive action measures is crucial (EC 2009a: 6). “...*real-life data consistently show that protective rights-based measures such as the prohibition of discrimination are not enough. Real-life equality between sexes in Europe is still not within our reach. Sex inequality is our everyday reality*“ (Selanec – Senden 2012: 2).

Some initiatives addressing the gender equality target two key issues: the vertical and horizontal segregation, which are among the causes of the pay inequality. Most European countries adopted at least some form of legislation regarding the gender equality (EuroFound 2010: 15). On the other hand, they are reluctant to impose positive action measures on private employers, where the gender pay gap is bigger. The employers themselves are no very happy about the positive action measures either (Selanec – Senden 2012: 19).

Positive action measure is a concept designed to help the members of any disadvantaged group overcome the discrimination they face in the society with the help of special measures. Different types of measures are available. For example, employers could prefer women in the process of selecting of a new employee, or governments could present laws requiring companies to have a certain number of women in the management (O’Cinneide: 1).

Scholars Goran Selanec and Linda Senden classify positive measures in several groups. These are measures based on encouragement, measures based on self-empowerment, self-imposed positive action, measures based on workers’ involvement, imposed flexibility measures, quotas and preferences (Selanec – Senden 2012: 19).

The first group of positive action measures includes quotas. Quotas belong to harder methods. A harder method is usually more controversial and more criticised since for instance the quotas provide better treatment for women and consequently breach the principle of equality. But also, a harder method is usually quicker and more efficient (Fredman 2009: 36-46).

Viviane Reding, that time European Commissioner for Justice, presented a proposal addressing the issue of equal representation of men and women in top management positions of companies, partly solving the occupational segregation. The

proposal suggests mandatory quotas for women's representation in leadership positions of the largest European companies. According to Reding the self-regulation is not enough and the European Union together with the Member States must take actions. At that time, *"...men comprise 91% of executive board members, 85% on non-executive board members and 96.8% of the boardroom chairs. Women account for 60% of new university graduates"* (Jacobsen 2012).

Although the instrument has both many supporters and opponents, the quotas could accelerate the process leading to gender equality by imposing the quotas. Leaving the process to its natural course, it would take additional one hundred years to reduce the inequalities. Critics of the measure claim that in businesses, *"...where there is traditionally a lower interest from female candidates the move might even hurt the companies in question"* (Český rozhlas 2014). Psychologist Peggy Drexler equates *"[t]he quota system – or, more specifically, the women pulled into power because of it – can suffer from the perception that companies are getting the best of a single and specific gender, and not the best, period"*.³¹

On the other hand, the expectations of employers and other bodies tend to be shaped by the prevailing social stereotypes and assumptions. Therefore, the employers could be influenced by the commonly accepted stereotypical idea of how an employee looks like and behaves. As a result, a male candidate could be chosen instead of a woman who could be equally experienced and qualified (O'Conneide: 3).

Quotas have the ability to reduce the gender pay gap by addressing the basic cause of the problem, the segregation by giving women the access to higher positions. Norway serves as an example since the quotas as such have proven to be a useful instrument there. Norway, although not a Member State of the European Union, was the first European country enacting quotas with sanctions in case of its violation. The quotas determine the percentage share of women and men in the top management of big companies. Norway is a pioneer in this field and it is interesting to understand the reasons. We must keep in mind the traditional social model of the economy with stronger government intervention, which is typical for Scandinavian countries, and also Norway's longstanding tradition of regulations and other quotas. For instance the

³¹ The Week Business (2015). *Gender Quotas. Vital for Equality or Mere Tokenism*. (<http://www.theweek.co.uk/63678/gender-quotas-vital-for-equality-or-mere-tokenism>, 10. 5. 2016).

'father's quota' of 1993, reserving a part of the parental leave for men, caused an increased number of fathers taking care of their new-born children (Rosenblum 2009: 61).

In addition, the country has a very good system of childcare and other support mechanisms and measures enabling to balance work and family life. The percentage of women in the work place is also higher than average. Nevertheless, Norway still resembles other countries in many respects. The horizontal segregation works there the same as elsewhere. Women tend to work as teachers, kindergarten teachers or nurses and after the paid maternity leave they return to part-time jobs (Traufetter 2011).

The question is what the reasons of implementing the quotas were. Despite the relatively good overall situation in Norway, the vertical segregation caused women to be underrepresented in management positions of the companies. From the adoption of the measure in 2006 the proportion of women in the top management grew rapidly from 18% to the desired 40% in 2009. Despite the beliefs of the opponents who were concerned about not being able to get enough qualified women to the top management positions, up to 1000 women got the job without problems (Teigen 2008: 9).

Other European countries followed the example of Norway. These were for instance France, the Netherlands, and Spain that adopted measures in order to increase the representation of women in the top management. Germany follows suit introducing the law requiring at least 30% of seats on non-executive boards allocated to women. The new law comes into force in 2016 affecting about 100 large companies (Binswanger 2016; The Guardian 2015).

It is not that above mentioned usage of quotas is the only one possible. Although Germany has recently implemented the law requiring about 30% of seats on non-executive boards distributed to women, it was not Germany's first quota. Public bodies are under a legal obligation to employ a woman if two equally qualified candidates apply for the same position. The objective of the practice is to increase the share of women to 50% at all levels of public bodies. Also when possible, public bodies are under an obligation to invite equal numbers of men and women to the interview (Fredman 2009: 39).

In Austria, the Federal Equal Treatment Act obliges employers to eliminate any under-representation of women, which occurs when women represent less than 40% of all employees within a particular type of function or pay grading. On condition that both a woman and a man are equally qualified, she must be employed or promoted until the objective of 40% has been reached (Fredman 2009: 39).

It could be argued that quotas are the most effective of the proactive actions as the gender equality and tackling the gender pay gap is concerned. In Finland, the quota provision in the Act on Equality made the greatest impact in society. The Act in its original form from 1986 contained a provision on equal participation of men and women. However, no minimum was set and the provision remained ineffectual. In 1995 a quota was defined for state committees and consequently the number of women there started to grow (Fredman 2009: 42).

Another type of positive action measure is a measure encouraging employers to adopt proactive measures they find most suitable for them. In Portugal, Croatia or Hungary, there are the Equality Prize Programmes. The Programmes work as competitions offering a prominent title and financial reward to employers that fulfil the criteria. Another example is the financial motivation offered by the Member State to employers that adopt some positive action measures. Luxembourg supports employers financially if women are hired. Italy and Austria offer sponsorships to employers who permit flexible working hours, part-time work, tele-work, or home-work. Denmark is encouraging private employers to commit themselves to targets achievable through positive action measures. These measures include measures such as equality plans, recruitment practices designed to identify a qualified female job candidate, mentoring programmes, and so on (Selanec – Senden 2012: 19-20).

Another type of positive action measures includes encouraging women to be more active in the labour market (Selanec – Senden 2012: 20). Numerous measures have been adopted in Sweden with the purpose of fostering female self-employment. The measures contain for instance advisory services, distribution of information, consultants, mentoring, and training in entrepreneurship. In Italy, financial aid was offered to self-employed women (EC 2010: 22).

Another type of measure is the autonomous initiatives adopted by private employers (Selanec – Senden 2012: 20). In Germany, the government and the biggest

employers signed an agreement seeking to promote gender equality and reduce the pay gap by improving career prospect of women; encouraging women to apply for managerial positions that are male dominated, increasing the share of women in industries and occupations where they are underrepresented. In Denmark, initiatives to increase the share of women in the top management were launched. For instance, there is a database called 'Women on board' supporting companies in finding female candidates (EuroFound 2010: 21-22).

Another type according to Selanec and Senden favours the policy of forced flexibility involving measures that impose positive action obligation on employers. For instance Estonia obligated employers to promote gender equality by ensuring that the number of employed men and women is as equal as possible. However, the failure to fulfil the aims does not include any sanctions. Finland calls for employers to promote gender equality in a “*purposeful and systematic manner*” (Selanec – Senden 2012: 20). As a result, Finnish employers adopted a number of positive action measures, most of which have been discussed in the previous type (Selanec – Senden 2012: 20-21).

Another type of positive action measure involves measures “*aiming to employ organized labour to motivate employers to improve the position of women*” (Selanec – Senden 2012: 20). For instance, France obliges employers to include the positive action measures in the negotiations with labour unions. Austria approved works councils to consult employers the issue of positive action measures (Selanec – Senden 2012: 20).

Actions with the aim to reduce the horizontal segregation are focused mainly on encouraging women into untraditional occupations. A lot of women tend to choose typically female professions in female dominated and often lower paid sectors. Countries launch initiatives with the objective to prevent gender specific educational choices, or to make women realize that there are opportunities in untypical female professions. For instance, in Austria, specific education and training are often implemented. In Lower Austria, prospective apprentices undergo an aptitude test. The aim of this measure is to prevent girls from choosing traditionally female job, such as shop assistants, or hairdressers, if the results of the tests prove talents for different career. In Norway, initiatives were introduced by the public sector to recruit more women into typically male-dominated occupations, such as university professors or defence (EuroFound 2010: 18).

The measures to reduce the gender segregations tend to be focused on encouraging women to untraditional occupations. But also measures focused on men exist, though they are rare. There have been motivational measures in Germany for both boys and girls, such as the “pathways for boys” to provide life and career planning in a way that is gender sensitive. The objective was to widen boys’ awareness of the variety of career opportunities, mostly in the education and social care. There are some cases of positive action measures to recruit men into jobs dominated by women (Fagan – Norman: 213-214).

Only a few of the Member States adopted positive action measures in the area of education. The countries doing so used very diverse instruments. These include for instance motivation campaigns, designing sex-conscious personnel policies, the requirement of mainstreaming in all the educational policymaking, or for instance revisions of educational materials with the objective of eliminating sex stereotypes (Selanec – Senden 2012: 27).

The Netherlands designed a programme to motivate and support women’s academic careers by subsidising schools promoting the careers of the female staff members. Comparable programmes with the aim to encourage female researchers could be found in Austria. In Poland, special grants are provided to women who interrupted their research studies in order to care for a child. This very grant is available for fathers who spend more than half a year caring for a child. In several countries quotas for decision-making bodies or research bodies in education were introduced. These are for instance Austria, Poland, Slovenia (Selanec – Senden 2012: 27).

2.2. Family-friendly Measures

One of the sources of the gender pay gap is that women are primarily responsible for housework and taking care of children. This is deeply rooted in our society and also in the expectations of women. Therefore there is a need to eliminate barriers standing in the way of women's full participation in the market. There is a need to combat the deeply embedded gender stereotypes which shape the gender roles, which we have already discussed, and which consequently affect the gender inequality in paid work.

Almost all the Member States of the European Union take family-friendly measures into account. In the majority of the countries the measures are in the form of legislative provision of benefits and rights, including the requirements laid down by the European Union. The requirements include for instance maternity leave, parental leave. On the other hand some countries go further and *"include family-friendly measures in their package of positive measures"* (Fredman 2009: 43).

The fact is that the unequal distribution of family responsibilities could encourage mostly women to choose a flexible working arrangement, or take career breaks. Such choices have a negative impact on the career development, and the income. *"Policies for promoting women's participation in the labour market must therefore have an integrated approach, including strategies for eliminating gender stereotypes and measures for improving the work-life balance of both women and men"* (EC 2009: 11). Gender stereotypes and the question of balancing work and family life, together with the visible and invisible discriminatory practices, are also in the way of women's access to top management positions (EC 2009: 11), which we have addressed in the section above. At this moment, it is apparent that everything is intertwined. The measures thus need to be multidimensional, tackling the roots of the inequality.

The gender equality could be achieved if not only women have shoulder the responsibility for children. It could be shared evenly between mothers and fathers. Moreover, the value of children is immense to the whole society, which means that not only parents, but also the community, including the state and employers, should bear the responsibility (Fredman 2009: 43).

There is a variety of measures possible. Some measures focus on spreading information. For instance, in Latvia family-friendly measures are aimed at the education

of parents on the need of sharing childcare responsibilities equally. In Spain, the emphasis is on refreshing the skills and knowledge of both men and women who return to work in the civil service after parental leave. Other measures include flexible working patterns. Legislative provisions in the United Kingdom enable parents of children under the age of 16 to apply to work flexibly (Fredman 2009: 43; Acas 2013: 4).

Others recognise that in order to change the division of labour both at work and in the home, measures have to be wide-ranging. For instance the Netherlands' equality programme improves the quality of childcare, makes childcare more flexible, raises childcare compensation, extends the opening hours of governmental offices to late hours and also Saturdays, and promotes flexible working arrangement among employers (Fredman 2009: 43).

According to a current survey, Hungary is one of the most proactive countries in the European Union with the objective to find the balance between work and family life. Since 2000, Hungary has had an award that appraises companies and institutions introducing measures providing a better work-life balance for their employees. The idea of the Hungarian government was to create the best practice models that other employers can learn from. The government reviewed the scheme of the competition and came out with a new one in 2011. The winners are entitled to use the 'Family-friendly Workplace' logo increasing the status of the company (EPIC 2016a).

At the European Union level, the Parental Leave Directive aims to support the equal sharing of childcare responsibilities (EuroFound 2010: 17). Some countries are inclined to a more equal parental leave using proactive measures. There are reasons to why some countries have been more successful in increasing the equality, mainly by providing fathers with benefits. "*Cash bonuses or extra leave of days granted to parents who share parental leave have been some of them*" (Nasser 2015). The equal share could be achieved by making "*part of parental leave non-transferable and therefore encouraging fathers to take advantage of such leave*" (EuroFound 2010: 17).

Even if the country's legislation enables fathers to take the parental leave, it does not mean they use it. For instance, the legislation in the Czech Republic and Slovakia enables fathers to take the leave, yet the number of men drawing is low. In Slovakia it is 1-2% of men (EPIC 2016b; EPIC 2016c), in the Czech Republic it is less than 2% and "[t]his rate has not changed much during the past couple of years" (Nasser 2015). This

could be partly explained by gender stereotypes and the gender pay gap limiting the fathers' involvement on the shared childcare (EPIC 2016b; EPIC 2016c). We can see now how everything is intertwined and connected. On the one hand, the gender pay gap forces women who earn less to take the parental leave and men who earn more can therefore support their family. On the other hand, the share of women and men who take the leave is one of the main causes of the gender pay gap, since the earnings of women cannot rise while she stays at home with her child.

Proactive measures of some kind are used for example in Estonia, the Netherlands, or Sweden. The share of fathers on a parental leave has been steadily growing in Estonia since 2008. The result of the measures is obvious since 2% of men took the paternity leave in 2008 and 6.5% in 2013. The similar trend could be found both in the Netherlands and Sweden. In the Netherlands less than 10% of men took the leave in 2001. The share increased remarkably up to 24% in 2013. In Sweden men represented 24.8% of parental leave in 2013 doubling the rate since 2000 (Nasser 2015).

Also the federal government in Germany wanted to reduce the unequal impact of family-related career breaks. A monthly parental leave allowance was introduced in 2007 based on the preceding income. If both parents take the leave for at least two months the length of the allowance is extended from 12 to 14 months. In 2007 it was hoped that the take-up rates for men would increase and the share of the responsibility would be more even in the future (EuroFound 2010: 17) The measure was a success since within two years the rate of fathers who take the leave increased from 3% to 20%. The similar system of aspects of the parental leave reserved for fathers could be found also in other countries such as Portugal or Belgium (Nasser 2015).

Since 2008 the Austrian government has invested €390 million in the expansion of childcare facilities in order to improve the work-life balance. Moreover, the regional governments themselves have spent an extra €250 million on the childcare. Until 2014, more than 47,000 places for preschool children were created and the opening hours were increased as a result of the measure (EPIC 2016d).

2.3. Exchange of Good Practises

“Now, more than ever, it is crucial that all key actors, Member States and social partners combine forces in a coordinated way and within a framework of comprehensive action strategies that are targeted at closing the gender pay gap” (Eutrio 2010: 4). The countries have certainly what to learn from the accumulated experiences over time. The chief role for the European Union in the fight against the gender pay gap is to draw together the initiatives and the multiple actors involved (Brodolini 2011: 12). A few of the initiatives will follow.

To help the women, firms’ management and work councils in Germany identify what the factors contributing to gender pay gap are. German government offers an instrument measuring the gender pay gap. The instrument is called LOGIB-D, a programme calculating regressions on the basis of the data on each employee individually. There are two regressions calculated. The first one calculates the pay gap caused by the human capital factors such as education, length of employment in the same company, or vocational training. The second one reflects the differences in occupational skill requirements and in hierarchical positions (Brodolini 2011: 9-10).

The Netherlands and Hungary introduced a pay calculator online. One of the objectives of the project is to improve the information about real pays, beyond the information about the formal pay. The European Commission launched the gender pay gap calculator on its website (Brodolini 2011: 10).

The European Network of Migrant Women was launched in 2010, with support from the Europeans Women’s Lobby. It is a conglomeration of organizations working towards the integration of migrant women in the society. Among other activities, the Irish non-governmental organization AkiDwa together with the Immigrant Council in Ireland organise meetings with social partners, the government and employers with the objective to improve employment rate of migrant women in Ireland (Brodolini 2011: 10).

The Estonian and French project Equality between Men and Women – Principles and Goals for Effective and Sustainable Enterprises was funded with the help of the European Union. The objective of the project was to raise awareness of the legal provisions, measures and practices on gender equality in companies. The project

comprised of a survey assessing the knowledge and practices of employers towards the gender equality showing low awareness among the employers. The project included also good practices in promoting gender equality within the private sector. It contained about 50 best practices from 15 countries. The project included also practical seminars for representatives the companies in order that they improve knowledge on promoting gender equality. The seminar focused on the equal pay for equal work principle. The project included the creation of a network of employers, gender experts and other actors with the aim to exchange experience and good practice in promoting gender pay equality. Last but not least, the project included study trips to French companies actively promoting the equality (Eutrio 2010: 18).

CONCLUSION

Four research questions were presented at the beginning. The first one examines if the approach to the issue resulting from the influence of the European Union is or might be homogenous. By researching the approach of both the European Union and the individual Member States, it can be said the stance of the European Union is homogenous despite the complexity of the issue. The European Union tries to oblige all the Member States equally to follow its legislation and law. However, the stance of the Member States is not homogenous since there is different culture, different economic terms and historical background, and unfortunately also insufficient readiness of some countries to tackle the gender pay gap. Moreover, although the instruments of the European Union are homogenous, there are no factual tools to enforce the rules.

It would not be fair to criticize the Member States for the lack of action generally, since a number of countries have made a significant progress to the gender equality as I described in the thesis. The fact is that the European Union pressures on the Member States and consequently they tend to tackle the problem in some way.

I inquired what the gender pay gap is and what exactly the number representing the gap for individual countries consists of. I have found out that everyone has a vague idea of what pay gap means but at the closer look we can see that the term is not consistent and consequently difficult to measure. The European Union uses the unadjusted pay gap, which does not reflect all of the influencing factors such as the job segregation, experience, or company characteristics. The adjusted pay gap takes into account all these factors, which are usually discriminatory being the product of the expectations and stereotypes. I discovered that the value of the gender pay gap for one country can differ greatly depending on the method used.

Also, I addressed the existence of effective measures or instruments that can help to reduce the gender pay gap. It can be said that the effective measures do exist. I described the instruments in countries successful in lowering the pay gap or at least reducing the impacts of the gender inequalities.

There is an instrument that is rapid and efficient as I have proved in the thesis in the part about the quotas. However, the quotas are not applicable to every country, since they raise the criticism and disapproval of some parts of society. I have proved the

effectiveness of the measure by presenting the use of quotas in Norway, although not a Member State of the European Union. Yet, the background in Scandinavian countries is different from the background of other European countries since they have been applying quotas also in other spheres of life.

There is a great supply of measures that are effective but more cautious and not so rapid. They are useful especially in the countries where the culture is not prepared yet to adopt the measure with an instant effect. In the thesis I have described the need to address the underlying causes of the gender pay gap, such as the expectations of women and men, stereotypes, segregation in education, vertical and horizontal job segregation, or the uneven division of the family and domestic responsibilities. This can be changed by using the soft methods since changing the mind-set is usually a long process.

I have devoted a substantial part of my thesis to description of such methods. It is impossible to assess the impact of all those measures on reducing the gender pay gap since there is no methodology to do so. It can be said that some of the measures are effective in some countries, for instance the measures supporting fathers to take the parental leave and to share the responsibility for taking care of younger children with women. Specific results have been given in the thesis. Work on the presumption that career breaks contribute to the gender pay gap, reducing the career breaks by sharing them with the partner or working part time is an efficient tool to reduce the inequalities.

To answer the question of transferability of the measures from one country to another I have observed the impact of the similar instruments in different countries. It has not been proved that they are transferable completely and without adaptations. Despite the fact that the quotas work perfectly in some countries, others are reluctant to impose them as well, as I have already described in the thesis. Parental leaves proved to be viable in most countries. The fact is that most countries are interested in searching for sustainable solutions therefore they are involved in the exchange of good practises.

The gender pay gap is influenced by all aspects of our lives – by the level and accessibility of education, economic situation, living standards, and political standards. The problem of the gender pay gap is extremely complex and so is the solution. Therefore, it should be tackled accordingly at all the levels. Finding the solution to the gender pay gap is primarily under national governments' competencies. The role of the European Union is to help and guide. A lot of experience has been accumulated in the

last decades so all actors willing to fight the gender pay gap have sources which they can draw inspiration from.

SUMMARY

Presented diploma thesis seeks to describe the gender pay gap and evaluate it from the view of the European Union and the Member States. It focuses on the measures and instruments that have been developed to tackle the causes of the gender pay gap.

It is divided into two parts. The first part introduces the basic concepts related to the gender equality since they are needed for further understanding of the issue. A part of the first chapter is dedicated to gender and gender roles. It focuses on the increasing role of women in the labour market in the connection with the gender pay gap. An extensive part is devoted to the gender pay gap as a systematic underpayment of women. The available data and measurements affecting the size of the gender pay gap are assessed. The extensive part addresses the primary causes of the gender pay gap, such as the horizontal and vertical segregation, differences in human capital, or discrimination.

The second part of the thesis deals with the gender pay gap at the level of the European Union and at the level of the individual Members States. The role of the European Union is described and assessed as well as its legislative and non-legislative instruments. The focus is on the proactive measures that contribute to solving the primary causes of the gender pay gap. The positive action measures and family-friendly measures are presented.

Every significant aspect of life influences the gender pay gap – the level and accessibility of education, living standards, economic situation, and political standards. The problem of the gender pay gap is extremely complex and so is the solution. Finding the solution to the gender pay gap is under national governments' competencies. The role of the European Union is to help and guide. A lot of experience has been accumulated so all actors willing to fight the gender pay gap have sources which they can draw inspiration from.

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LIST OF APPENDICES

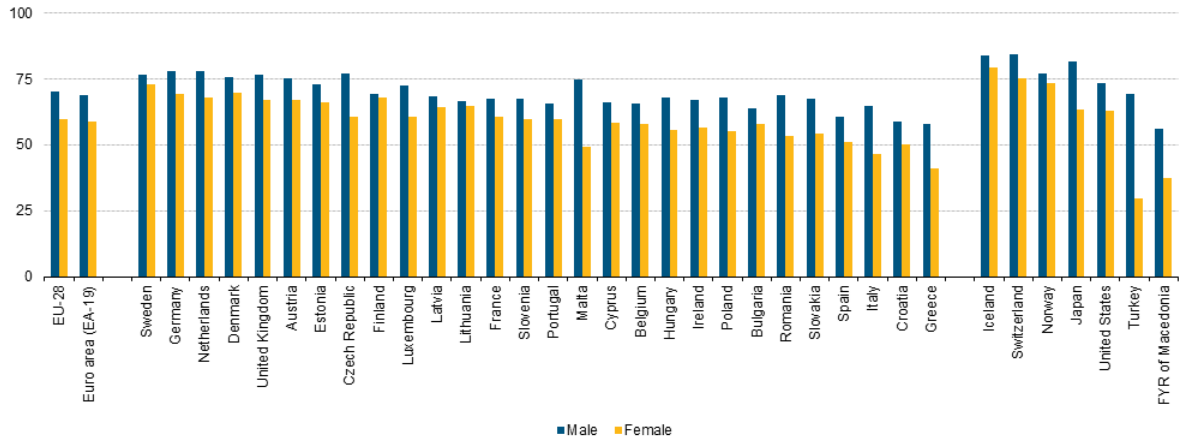
Appendix 1: Employment rates by sex, age group 15-64, 2014

Appendix 2: Unadjusted versus Adjusted gender pay gap

Appendix 3: The unadjusted gender pay gap, 2014 (difference between average gross hourly earnings of male and female employees as % of male gross earnings)

APPENDICES

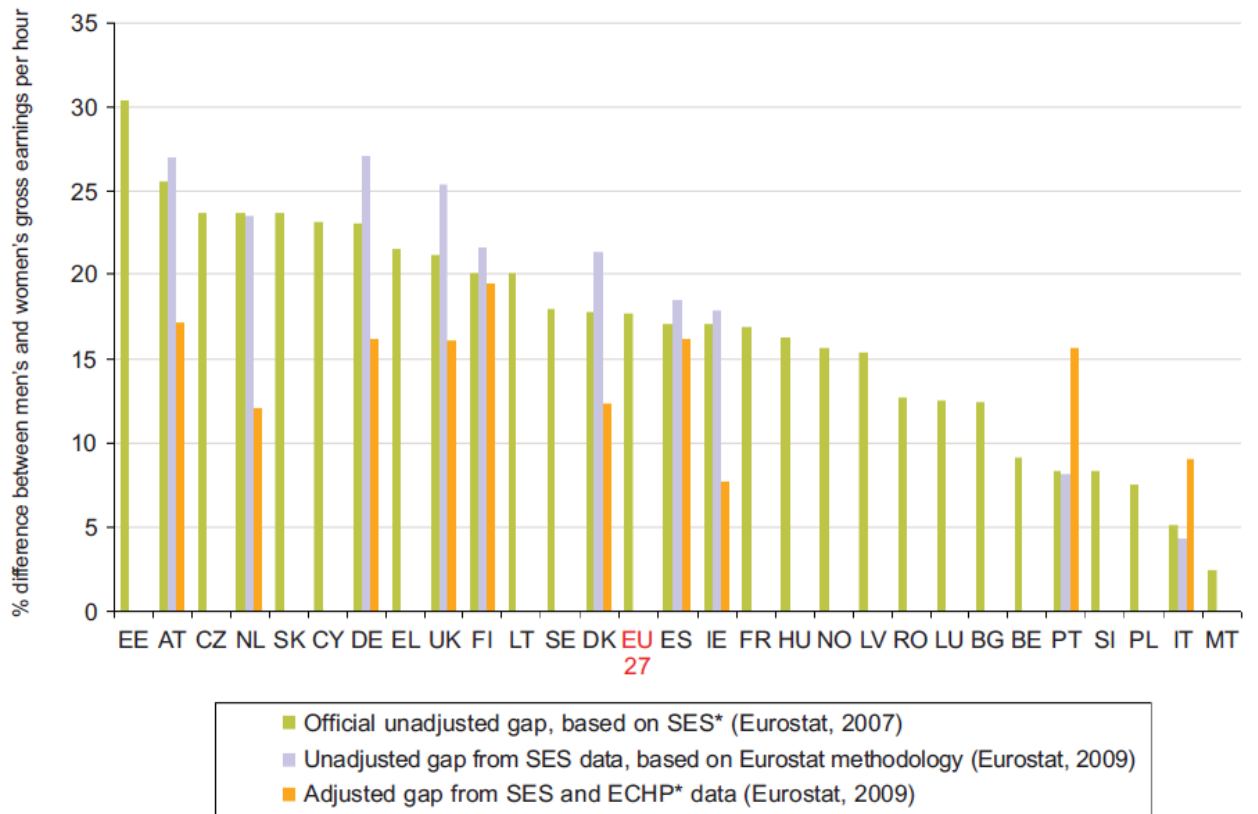
Appendix 1: Employment rates by sex, age group 15-64, 2014



(*) The figure is ranked on the overall employment rate.
 Source: Eurostat (online data code: lfsi_emp_a)

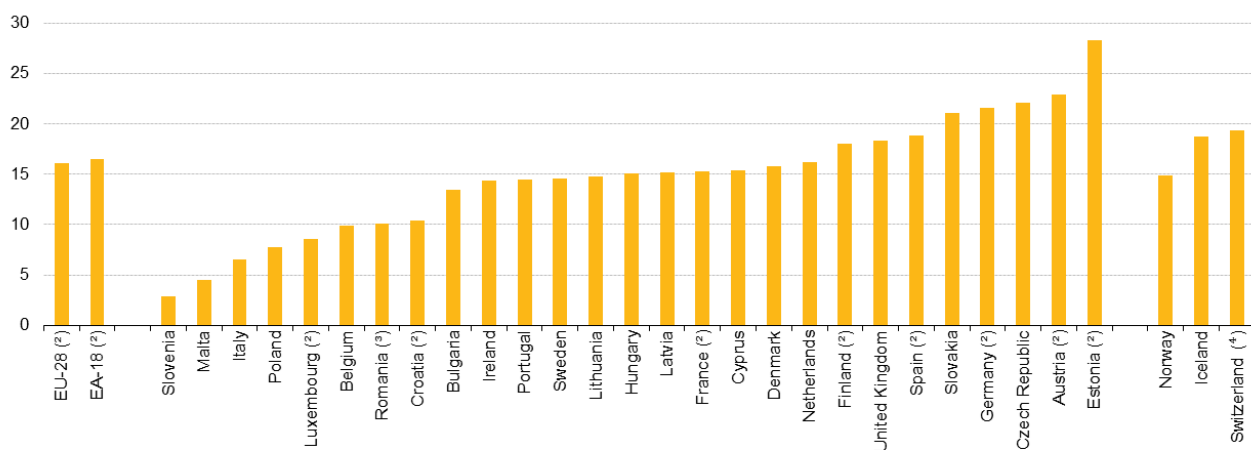
Source: Eurostat (2014). *Employment Statistics*. (http://ec.europa.eu/eurostat/statistics-explained/index.php/Employment_statistics#Employment_rates_by_sex.2C_age_and_educational_attainment, 10. 5. 2016).

Appendix 2: Unadjusted versus Adjusted gender pay gap



Source: EuroFound (2010). *Addressing the gender pay gap: Government and social partners in action.*

Appendix 3: The unadjusted gender pay gap, 2014 (difference between average gross hourly earnings of male and female employees as % of male gross earnings)



(*) Enterprises employing 10 or more employees; NACE Rev. 2 B to S (-0).

(*) Provisional data; Ireland: 2012 data

(*) Estimated data

(*) 2013 data

No data for Greece

Source: Eurostat. *Gender Pay Gap Statistics*. (http://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics, 10. 5. 2016).

THESIS PROJECT PROPOSAL

CHARLES UNIVERSITY IN PRAGUE

FACULTY OF SOCIAL SCIENCES

Institute of Political Studies

The Gender Pay Gap within the European Union

The Master Thesis Project Proposal

Author: Michaela Ederová

Supervisor: Doc. PhDr. Běla Plechanovová, CSc.

Date of submission of the Project Proposal: 2. 2. 2015

Background and Purpose of Thesis:

The matter of gender equality has always been appealing for me and therefore I have decided to devote my Master Thesis to this issue. Specifically, I am going to address the gender pay gap which could affect me personally since I am a woman and in the future I might face this sort of ongoing discrimination in the labour market. Generally, women face many inequalities not just in developing countries, but also in the developed world, in Europe. Such inequalities are reflected also in unequal pay structures.

Gender equality as such is one of the founding values of the European Union. Principle of 'equal pay for equal work' dates back to 1957 when it became inseparable part of the Treaty of Rome.³² In all member states the gap between earnings of women and men has remained persistent because of direct or indirect discrimination regardless of many years of equal pay legislation in the European Union formally prohibiting paying women and men unequally, the level of employment of women or national histories of equality legislatives. Despite such a hesitant progress, the European Union has always played a crucial role in looking for solutions and regulating gender equality (Smith 2010: 2 – Smith 2012: 365).

The gender pay gap fluctuates across all member states. On average, men earn about 16% more per hour than women³³. The gap is wider than 20% in the Czech Republic (EC 2014: 2). The World Economic Forum's Gender Gap Equality report³⁴ reflecting the patterns of gender equality worldwide has announced that “...*the Czech Republic slip to 96th place on a ladder of 142 countries*” (Lazarová 2014). In general, women do better at school.³⁵ They even account for circa 60% of university graduates in the European Union and yet the pay gap exists (EC 2014: 2).

The thesis will be divided into three main parts. First, I am going to introduce the basic concepts and terms related to the topic of gender equality since they are needed for further understanding of the issue. I will have a closer look to what equality means, I will describe terms such as gender and I will characterize discrimination as

³² <http://ec.europa.eu/justice/gender-equality/>, 28. 1. 2015.

³³ According to the EU the gender pay gap is “...*the difference between the average gross hourly earnings of male and female employees*” (EC 2014: 2).

³⁴ http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf, 28. 1. 2015.

³⁵ „*On average, in 2012, 83% of young women reach at least upper secondary school education in the EU, compared to 77.6% of men*” (EC 2014: 2).

such. I will also focus on basic reasons for the inequalities between men and women. More extensive chapter of the first part will be devoted to the pay gap as a systematic underpayment of women. Among other things, pay gap reflects inequalities that are linked to the labour market, therefore I will explain terms such as horizontal and vertical segregation.

The second part of the thesis will be devoted to male–female income difference within the European Union. I will assess the role of the European Union in handling the problem. I will address the rise of equality up the European agenda, describe the key instruments of the EU and provide an overview of the European legislation on gender equality. I will explain the European Equality Policy and introduce the notion of equal pay for equal work. In this part I will also focus on the competences of the EU with reference to the nature of Open Method of Coordination³⁶ which leans solely on soft law mechanisms and I will clarify how the competences are divided between the European Union and the Member states.

The third part of the thesis will be devoted to three different countries with different gender pay gaps: the Czech Republic as a relatively new member state of the EU with a wide gender pay gap and Sweden and Denmark as examples of states that are assumed to be characterised by the highest levels of gender equality. Nevertheless, gender equality in pay has not been achieved not even in Sweden or Denmark, however, it can be said that they are on the right path. I will provide an overview of the historical backgrounds of all three countries with a focus on the different equality policies since they should be taken into consideration in the comparison. Particular consideration will then be given to gender pay gap in these countries by giving an overview and examining the underlying causes. More extensive chapter of the third part will be devoted to comparison of efforts made by the Czech Republic, Sweden and Denmark to cope with the pay discrimination. I will analyze their approach to tackling the gender pay gap and I will focus on their cooperation with related social partners and describe the key instruments, legislative and non-legislative.

³⁶ „One of the benefits of the OMC is held to be the possibility for member states to combine their own traditions and approaches with the movement towards common EU wide objectives” (Rubery, 2003).

Goal of the Thesis and Methodology:

The basic premise is that even if the analysed countries are members of the European Union and the same obligations, they are characterized by diverse degree of commitment to solving the gender pay gap.

I will answer following research questions:

Can we talk of a homogeneous approach to the issue resulting from the influence of the European Union, specifically the Open Method of Coordination?

Is the persisting wide gender pay gap in the Czech Republic caused by its moderate approach to the problem?

To answer the above mentioned research questions I will follow a comparative approach. I will find the answer by comparing backgrounds and efforts made by all three countries to cope with the pay discrimination and I will analyze the latest instruments for fighting against pay discrimination in Sweden and Denmark. In case of a positive answer to the second question, I will assess whether the tools would be applicable to the Czech environment. My intention is to propose some suggestions for the Czech Republic and indicate the challenges for the future development.

My goal is also to assess the legislative framework and regulatory mechanism of the European Union and therefore, I will answer following research question:

Should the EU consider a more proactive stance, strengthen the legal framework and exert more pressure on its member states?

The thesis will be composed of theoretical and analytical part. The very first part will serve as a theoretical basis of the qualitative research. It will explain the key terms and concepts related to the topic of gender equality since they are needed for further understanding of the issue.

I will use primary and secondary sources. In order to answer the research questions I will work with National Social Reports, scientific publications, articles. I will use electronic sources and also the official websites of institutions.

Estimated Contents of the Thesis:

I. Introduction

II. Theoretical Framework

1. Equality
2. Gender
3. Discrimination
4. Gender pay gap and what are the causes?

III. Gender Income Difference within the European Union

1. History of gender equality in the European agenda
2. European legislation on gender equality and regulatory mechanisms
3. Instruments of the EU
4. Distribution of competences between the EU and member states

IV. Comparison of the three countries

1. Czech Republic

- a) Historical backgrounds with a focus on the equality policy
- b) Causes of gender pay gap in the Czech Republic
- c) Handling the pay discrimination
- d) Key instruments

2. Sweden

- a) Historical backgrounds with a focus on the equality policy
- b) Causes of gender pay gap in Sweden
- c) Handling the pay discrimination
- d) Key instruments

3. Denmark

- a) Historical backgrounds with a focus on the equality policy
- b) Causes of gender pay gap in Denmark
- c) Handling the pay discrimination
- d) Key instruments

V. Conclusions

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