

Dossier on Equal Pay

Equal Pay Homepage

Today men earn on average 17.5% more than women in the European Union. The reasons for this are varied. Although the actual equality between men and women is enshrined in the constitution law, European directives, international conventions and laws require an actual implementation; the difference in pay between men and women in recent years has not changed.

Pay discrimination is manifested when a person is treated less favourably (lower pay) than another in a comparable situation has been or would be because of his gender. Pay equity is achieved if for equal work is paid equal pay.

Pay inequality can be measured

Unjustified differences in payment between men and women can be proven now with the measuring instrument eg-check.de.

Disambiguation

Although the actual equality between men and women is enshrined in the Constitution, European directives ([RL 75/117/EWG](#), [RL 76/207/EWG](#), [RL 86/613/EWG](#), [RL 2002/73/EG](#), [RL 2006/54/EG](#)), international conventions and laws require an actual implementation, gender discrimination remains a fact. This is manifested as a direct or indirect discrimination. Indirect discrimination is often difficult to recognize and to tackle. In addition, the concept of indirect discrimination seems largely unknown to the court. As a result, only a few lawsuits of this kind have been presented before court.

Legal regulations for pay equity

[Constitution](#)

[International conventions](#)

Many companies practice different payment for women and men in the same or comparable occupations. However, lawsuits are not brought before the court because the women concerned would endanger themselves and their job by acting against it. This problem can be solved only through a class action law.

Case Studies

Till 2007 women earned up to 300 € less at the logistics company Süderelbe, although they did the same work. Women were paid by their employer according to the employee collective agreement and men according to the much higher wage agreement. In 2007, the council has made use of its collective right of action which is established by AGG- according to § 17 II AGG and has filed a lawsuit against the discrimination charge. Only when major

For further information, see the [website](#) of the European Commission.

customers of the Süderelbe logistics signalled that they would not like to be associated with such practices, the company agreed to a court settlement. Today, all employees are paid the same wage regardless of gender.

Opportunities for Action

The development of action strategies to combat pay inequality must be undertaken in several steps due to its complexity and must be well prepared. First, the prerequisite for any action is raising awareness of all persons concerned. Only if victims are informed, discriminatory practices and the effects of discriminatory tariffs could be specifically identified. In the case of direct gender discrimination, it is easier to prove unfair pay and trace back to the discrimination. Whereas, in the case of indirect discrimination, inequality is hidden behind neutral regulations. Here it is usually much more difficult to check the existence of discrimination than in a situation of pay inequality. As a first step, it can be helpful to document the activities of stakeholders for a long-term period in order to objectify one's own perception. In addition, a detailed analysis is necessary which brings to light the discriminatory structures. For unveiling such practices the special testing instrument "eg check" was developed. In exact instructions there are likewise persons concerned, works and staff councils and employers, tools, so as to make discriminatory measures transparent (www.eg-check.de). There are five different pay groups: requirement-related pay, increased levels of remuneration, performance pay, overtime pay and bonuses for difficult, providing a sophisticated analysis tool.

Draft bill of the SPD

On the 23rd of May 2012 the social-democratic party proposed a [draft bill](#) on a legal regulation concerning the equal pay gap.

Within the Company

Every measure against pay inequality implicitly opposes traditional views on gender and questions social power structures. That's why it is especially important to prepare each action well, and as far as a lawsuit comes into question, it is advisable to share responsibility. The person concerned should be supported by the workers council. According to § 17 II AGG the workers council has the limited right to a third party intervention. It can specifically act against structural discrimination. Of course, the person concerned can also individually take legal steps. However, experience shows that this is a big burden in the workplace.

On the [website](#) of the women department of the Confederation of German Trade Unions (German: Deutscher Gewerkschaftsbund Frauen) you can find questions and answers on the Equal Pay Gap. (only available in German)

Outside the Company

Outside the company it is possible to apply to various anti-discrimination agencies ([link to the page with the links](#)). These can be found at a local, state and federal level. They offer, within the field of their expertise, initial counselling or refer the case to specialized agencies. They can identify which activities and measures the person concerned is eligible for and provide appropriate specialized lawyers to continue. The counselling office could possibly support the lawsuit in court as counsel and afford public relations.

You can look for an advice centre in your area on the Federal Anti-Discrimination Agency's [website](#).

Additional Information

Links

Equal pay review with eg-check.de

WSI collective agreement archive of the Hans Böckler Foundation: [equal pay check](#)

[German Women's Council](#)

[Information from Ver.di](#)

[Information from the European Commission](#) on equal pay for women and men

[Information from the European Commission](#) on equality between women and men

Publications

Petra Ganser, Kerstin Jerchel, Andrea Jochmann- Döll, Karin Torndorf: Praxis Handbuch Gleichbehandlung, Ungleichbehandlung vorbeugen- Rechte nutzen- Gleichstellung herstellen, Herausgeberin: Ver.di, VSA Verlag, Hamburg, 2011.

Tondorf, Ranftl: Leitfaden zur Anwendung des Grundsatzes des gleichen Entgelts für Männer und Frauen bei gleichwertiger Arbeit, Bundesministerium für Familie, Senioren, Frauen und Jugend (Hrsg.), Berlin 2003.

Entgeltungleichheit zwischen Frauen und Männern, Einstellungen und Forderungen der Bevölkerung zum gender pay gap, Bundesministerium für Familie, Senioren, Frauen und Jugend, 2008, www.bmfsfj.de.