

# Bridging the gap?

*An analysis of gender  
pay gap reporting in  
six countries*

**Project Lead:** Minna Cowper-Coles

**Co-authors:** Miriam Glennie,  
Aleida Mendes Borges and  
Caitlin Schmid

October 2021

## About

### The Fawcett Society

The Fawcett Society is the UK's leading membership charity campaigning for gender equality and women's rights at work, at home and in public life. Our vision is a society in which women and girls in all their diversity are equal and truly free to fulfil their potential creating a stronger, happier, better future for us all.

### The Global Institute for Women's Leadership at King's College London

The Global Institute for Women's Leadership works towards a world in which women of all backgrounds have fair and equal access to leadership. Chaired by Julia Gillard, the only woman to have served as Prime Minister of Australia, the institute brings together rigorous research, practice and advocacy to break down the barriers to women becoming leaders, while challenging ideas of what leadership looks like.

### The Thomson Reuters Foundation

Thomson Reuters Foundation is the corporate foundation of Thomson Reuters, the global news and information services company. We work to advance media freedom, raise awareness of human rights issues, and foster more inclusive economies. Through news, media development, free legal assistance and convening initiatives, the Foundation combines its unique services to drive systemic change. TrustLaw is the Thomson Reuters Foundation's global pro bono legal programme, connecting the best law firms and corporate legal teams around the world with high-impact NGOs and social enterprises working to create social and environmental change. We produce groundbreaking legal research and offer innovative training courses worldwide.

### Bowmans

Bowmans has a track record of providing specialist legal services in the fields of corporate law, banking and finance law and dispute resolution, spans over a century. With eight offices in six African countries and over 400 specialist lawyers, we draw on our unique knowledge of the business and socio-political environment to advise clients on a wide range of legal issues. Our clients include corporates, multinationals and state-owned enterprises across a range of industry sectors as well as financial institutions and governments.

## Acknowledgements

This report was written with invaluable assistance from: Selin Akmanlar, Sophie Ash, Maria Garcia Martin, Julie Moonga, Ruchira Rana and Vincenzo Sansone.

This research has been funded by the UN Foundation, for which we are extremely grateful.

The South African case study was supported by generous pro bono legal research provided by Bowmans and facilitated by TrustLaw, the Thomson Reuters Foundation's global pro bono service.

We would also like to acknowledge the Fawcett Society for their collaboration on this project.

We would like to thank the members of the GIWL Employers' Board, Facebook and Baker McKenzie for their support and contributions.

We are indebted to our interviewees for making the time to speak to us, providing their insights and sharing their expertise.

Editing and design: Becca Shepard

# Foreword



**Julia Gillard**  
Former Prime  
Minister of Australia  
and Chair of the  
Global Institute  
for Women's  
Leadership

Gender equality is both an urgent economic goal and a timeless moral imperative. One way of measuring our failure to realise gender equality is the continuing disparity between men's and women's pay, which is a symptom of the power imbalance that defines workforces around the world.

Our challenge is not just to accelerate progress to reduce the gender pay gap, which has been far too slow, but to also overcome the real risks that the situation may worsen.

Unaddressed, the gender-based distortion in economic and workforce outcomes will hinder global efforts to build fairer and more inclusive societies in the wake of the Covid-19 crisis.

Fortunately, in many countries there is a growing appetite for change, with the United States, European Union and countries from Ireland to Israel pushing to introduce systems to promote greater gender pay equality in the workplace. The gendered impacts of the pandemic have set many women back, but they have also shone a light on what we need to do differently. We must not waste this opportunity.

To this end, the Global Institute for Women's Leadership at King's College London has explored gender pay gap reporting in six countries – Australia, France, South Africa, Spain, Sweden and the UK – taking an in-depth look at what works and what doesn't. Our report – which builds on our 2020 study *Gender Pay Gap Reporting: A Comparative Analysis* – is based on more than 80 interviews with key stakeholders involved in gender pay gap reporting in those nations. Our actionable recommendations provide a clear blueprint for decision-makers. This is a critical moment in which to learn best practice from each other, and we hope to use this research as a catalyst for change, by showing governments and employers the best way forward.

I would like to extend my thanks to the UN Foundation for funding this research, and to Thomson Reuters TrustLaw, the Fawcett Society and Bowmans for their invaluable contributions.

# Contents

## Research overview

<b>The six countries and their gender pay gaps</b>	<b>07</b>
<b>Gender pay gap scorecard</b>	<b>08</b>
<b>Research context and recommendations</b>	<b>10</b>
<b>Recommendations</b>	<b>13</b>
<b>Research methodology</b>	<b>25</b>
<b>Best practice for employers</b>	<b>26</b>

## The study

<b>Introduction</b>	<b>29</b>
<b>Methods</b>	<b>38</b>
<b>Findings</b>	<b>40</b>

## **The case studies**

<b>Australia</b>	<b>49</b>
<b>France</b>	<b>66</b>
<b>South Africa</b>	<b>86</b>
<b>Spain</b>	<b>102</b>
<b>Sweden</b>	<b>118</b>
<b>United Kingdom</b>	<b>132</b>

## **Conclusion and references**

<b>Conclusion</b>	<b>150</b>
<b>Interviews</b>	<b>151</b>
<b>Bibliography</b>	<b>156</b>

# Research overview



# The six countries and their gender pay gaps



### Australia

- WEF 2021 Gender Gap Ranking (out of 156):** 50
- Income per capita (USD):** 42,151
- Gender pay gap (% hourly/monthly earnings):** 11.9 / 30.2
- GINI Coefficient:** 25.4

### France

- WEF 2021 Gender Gap Ranking (out of 156):** 16
- Income per capita (USD):** 33,821
- Gender pay gap (% hourly/monthly earnings):** 11.8 / 17.6
- GINI Coefficient:** 26.2

### South Africa

- WEF 2021 Gender Gap Ranking (out of 156):** 18
- Income per capita (USD):** 4,863
- Gender pay gap (% hourly/monthly earnings):** 26.1 / 30.8
- GINI Coefficient:** 63.9

### Spain

- WEF 2021 Gender Gap Ranking (out of 156):** 14
- Income per capita (USD):** 25,055
- Gender pay gap (% hourly/monthly earnings):** 14.4 / 21.9
- GINI Coefficient:** 28.5

### Sweden

- WEF 2021 Gender Gap Ranking (out of 156):** 5
- Income per capita (USD):** 43,998
- Gender pay gap (% hourly/monthly earnings):** 12.0 / 17.5
- GINI Coefficient:** 19.5

### United Kingdom

- WEF 2021 Gender Gap Ranking (out of 156):** 23
- Income per capita (USD):** 35,835
- Gender pay gap (% hourly/monthly earnings):** 20.6 / 35.2
- GINI Coefficient:** 33.8

## Explanation of criteria

**Gender Gap Ranking** uses the World Economic Forum 2021 Gender Gap Index.

**Income per capita** uses the most recent data (2018/2019) on adjusted net national income per capita (in 2010 US\$) taken from World Bank Data's website: <https://data.worldbank.org/indicator/NY.ADJ.NNTY.PC.CD>

**Gender Pay Gap** is on median hourly / monthly earnings from 2019 according to the International Labour Organization (ILO). (2019). Global wage report 2018/19: What lies behind gender pay gaps. Geneva: ILO. Accessible via: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_650553.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf)

**GINI coefficient of wage inequality (hourly wages)** summarises the relative distribution of wages in the population with 0 indicating perfect wage equality (i.e. all people receive equal wages) and 100 indicating perfect wage inequality (i.e. one person receives all the wages). From (ILO 2018).

# Gender pay gap scorecard

	Australia	France	South Africa	Spain	Sweden	United Kingdom
Accountable up?	Yes	Yes	Yes	Yes	No	Yes
Accountable down?	No	Yes	Partially Some provisions for trade union or employer input	Yes	No No in practice, due to lack of clarity around trade union role	No
Transparency level	Medium	Medium	Low	Medium But central index is being created	Low	High
Mandated action plans?	No But measures in place should be indicated	Yes If an employer's score on the Equality Index fails to meet the threshold, in addition to equality plans negotiated with trade unions	No But employer must take measures where disproportionate wage differentials or pay discrimination is found	Yes	No But any pay discrepancies must be remedied	No (except for the Welsh public sector)
Do actions plans require follow-up?	No	Yes	Yes	Yes	Yes	No
Enforcement and penalties	Medium Non-compliant employers can be excluded from government support and public procurement, but this has not always been enforced	Good Employers can be penalised up to 1% of payroll, and agreements are monitored by government inspectors	Poor Poor monitoring with few inspectors, although the Labour Court can issue fines for non-compliance	Good/yet to be seen Penalties can reach over €180,000 and non-compliant employers can be excluded from public procurement	Poor Poor monitoring, although fines are available	Medium Fines are available but rarely used, companies can be named if they do not report
Employer size	100+	50+	50+	50+ (From 2022)	All (10+ must report)	250+
Employer sector	Private	Private	Public and private	Public and private	Public and private	Public and private
Intersectional elements?	No	No	Yes	No	No	No
Ambitious?	No	No	No	Medium	Yes	No
Sufficient government guidance and support?	Yes	Yes	No	Yet to be seen	No	Partially
Overall score	<b>4/11</b>	<b>8/11</b>	<b>5.5/11</b>	<b>8.5/11</b>	<b>5/11</b>	<b>4/11</b>



## The gender pay gap scorecard explained

This country scorecard provides an overview of the gender pay gap reporting system in the case study countries. While this focuses on gender pay gap reporting, we would like to emphasise again that gender pay gap reporting should work as part of a wider package of policies to help redress gender inequality at work, from parental leave to minimum wages and pay transparency, through to addressing the undervaluation of the work done in female-dominated sectors, such as nursing and childcare.

**Accountable up?** Are reports submitted to a government agency or body who monitors them?

Score: *No = 0, Yes = 1*

**Accountable down?** Are reports and assessments created in collaboration and/or submitted to employees and employee representatives?

Score: *No = 0, Yes = 1*

**Transparency level:** This is based on the level of access to information that the public can access. Where insufficient information is available (eg the headline result but not the contributing data, or the contributing data but not the headline result), the country is given a medium score, where no information is made public countries are given a low score.

Score: *Low = 0, Medium = 0.5, High = 1*

**Mandated action plans?** Are employers made to create action plans to address their gender pay gaps?

Score: *No = 0, No (with exceptions) = 0.5, Yes = 1*

**Do action plans require follow up?** This shows whether action plans and stipulations around addressing pay gaps have built in time restrictions and/or monitoring to ensure they are followed up on.

Score: *No = 0, Yes = 1*

**Enforcement and penalties:** Are there robust measures of enforcement for gender pay gap reporting, and can penalties be used when employers fail to act?

Score: *Poor = 0, Medium = 0.5, Good = 1*

**Employer size:** This refers to the minimum employee threshold legally requiring companies to report their gender pay gap data.

Score: *250+ = 0, 100+ = 0.5, 50+ = 1, All = 2*

**Employer sector:** This considers whether the legislation applies to public or private employers, or both.

Score: *Private = 0.5, Private and public = 1*

**Intersectional elements:** Does gender pay gap reporting focus solely on gender or are intersectional considerations, such as race, class, and education level built in?

Score: *No = 0, Yes = 1*

**Ambitious?** This question relates to whether the gender pay gap reporting system motivates employers to eradicate all workplace inequalities or not. Systems which do not include action plans, or which include low “pass” marks, are seen to not be ambitious as they normalise and accept gender inequality in the workplace. Systems which require action, but do not set a target are seen to be a “medium” level of ambitiousness, while those which accept no levels of workplace inequality are seen to be ambitious.

*No = 0, Medium = 0.5, Yes = 1*

**Sufficient government guidance and support?** This question relates to whether stakeholders perceived there to be a lack or sufficiency of support or clarity for employers in being able to effectively carry out the government requirements for gender pay gap reporting.

*No = 0, Partially / yet to be seen = 0.5, Good = 1*

# Research context and recommendations

## **Context: Tackling the gender pay gap is crucial to tackling inequality**

Progress to reduce the gender pay gap has been far too slow, and risks reversing. The disparity between men's and women's pay continues to underpin the power imbalance that defines the world's working populations and will hinder global efforts to recover economies in the wake of the Covid-19 pandemic.

Gender pay gaps, generally measured as the difference between men's and women's average wages, are both a symptom and a cause of other forms of inequality. Gender pay gaps reflect women's underrepresentation in senior roles, over-representation in low-paid and insecure work, the unequal distribution of unpaid caring work and the impact of bias and discrimination. Addressing pay gaps involves much more than guaranteeing equal pay for equal work. Even in countries where there are robust measures in place to guarantee equal pay for men and women, gender pay gaps persist.

It is not just for the sake of workplace equality that gender pay gaps should be addressed. The negative implications of gender pay gaps can be connected to poorer health outcomes for women and children, lead to more women living in poverty in old age, and they can also put economic recovery at risk. With one gender being devalued in the workforce to a much greater extent than the other, we are perpetuating an imbalanced society and missing out on the full impact of what women and men can contribute.

The Covid-19 pandemic has highlighted the acute need for workplace gender equality to be taken seriously. Women have suffered disproportionately during the pandemic and have been excluded from their employment at higher rates than men. While the low pay of those teachers, carers and healthcare workers who have propped up our societies, exposing themselves to greater risks during the toughest months, has been largely ignored. Pushing for greater gender equality is crucial during the coming months and years as societies start to rebuild and recover.

## **Gender pay gap reporting**

The social and economic impacts of gender pay gaps are widely recognised by governments, employers and advocacy groups and initiatives to tackle them have proliferated in recent years. The appetite among governments and employers to address gender pay gaps by introducing legislative reporting frameworks and increasing pay transparency is growing. The Biden

administration in the United States reintroduced the Paycheck Fairness Act, which passed the House of Representatives in April 2021, although it failed to pass the Senate in June 2021. In March 2021, the European Commission adopted a proposal for a Directive to reinforce measures ensuring equal pay for work of equal value, through encouraging greater pay transparency. Internationally there are multiple different gender pay gap reporting regimes in operation, some long established and many relatively recent initiatives. There are long established regimes to monitor gender pay gaps in many European countries and the numbers of states introducing regimes are increasing year-on-year, with Ireland and Israel also working on the introduction of gender pay gap reporting regimes. But what are the key features of a successful gender pay gap reporting regime?

## Research background

Our report brings together research on six country case studies in three continents to explore how gender pay gap reporting systems compare on the ground. It builds on a previous report, *Gender Pay Gap Reporting: A Comparative Analysis* (2020), which compared the legislation in 10 different countries. However, this report investigates the implementation of the legislation to establish how multiple stakeholders perceive the gender pay gap reporting systems. Our aim was to identify the key elements that ensure gender pay gap reporting systems are effective.

Looking across the 10 countries in our 2020 report revealed important differences in legislation and gaps between the measures and legislative tools being used to address gender pay gaps. It pointed to differences in the sectors and size of employers that the legislation applied to, the requirements for measures to act to promote equality and the levels of transparency between different regimes. This latest report has built on these foundations and followed up in five of the countries included in the previous one (Australia, France, Spain, Sweden and the UK), as well as looking at South Africa, to explore how the different legislation plays out in practice. Does it seem to work? Are employers being spurred into action? Are there hidden pitfalls or loopholes in the current systems that are hindering their progress? This research asks stakeholders from government officials, employers, trade unionists and gender equality advocates about the various frameworks to explore what is effective on the ground. This is important for moving forward and creating legislation which works. The gaps highlighted in *Gender Pay Gap Reporting: A Comparative Analysis* are still key in the findings of this report: greater transparency, action plans and a larger share of employers being

targeted by legislation are all important for gender pay gap legislation to work, but we also identified other stumbling points, such as a lack of guidance from government bodies meaning employers often conducted calculations incorrectly, low standards leading to a sense of complacency among employers and the importance of monitoring or enforcement for employer compliance.

The gender pay gap reporting systems – or equivalent frameworks – for the six countries included in this study all vary in their aims, form and practice. Our intention has been to identify where these frameworks have been seen to be successful by stakeholders and where improvements can be made, and to make recommendations based on these findings. The cases included cover a range of nations with varying gender pay gap reporting regulations and social, economic and cultural contexts. Thus, the recommendations have been designed to apply across a variety of settings. Each of the cases is ranked within the top 50 countries in the World Economic Forum’s 2021 Global Gender Gap Report. However, these range from Sweden, which has long held a place in the top five, to Australia which trails in at number 50 (WEF 2021). Despite the differences, certain themes kept coming up in the interviews, drawing the cases together and helping shape our recommendations. Through comparison across the cases, we identified nine recommendations for the development and improvement of gender pay gap reporting regimes.

# Recommendations

## 1. Employers must be made *accountable* to government agencies and employees and gender pay gap reports should be *transparent*

**Our research shows that without clear mechanisms for accountability and transparency gender pay gap reporting legislation can be ineffective.**

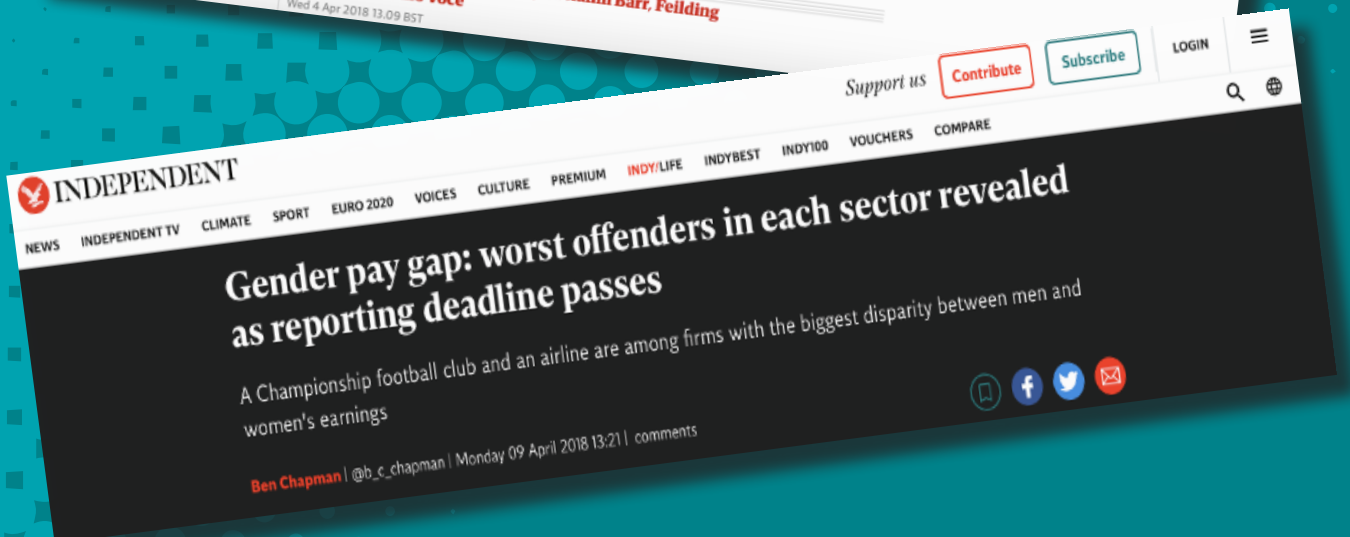
The case studies show that both accountability and transparency are essential for gender pay gap reporting to be effective. Employers should be both **accountable up** and **accountable down**, and as transparent as possible.

Employers should be **accountable up** to the relevant government authority, as well as to their owners and governance body. Gender pay gap surveys and reports should be submitted to the government agency responsible for monitoring, and gender pay gap reports should be included in a company's annual report and sent to shareholders, investors and other interested parties. Employers should also, crucially, be accountable down to their employees, whether to a group of employee representatives, trade unions, or to the organisation as a whole. Guaranteeing employee input and agreement within the gender pay gap reporting system is crucial to its proper functioning.

**Transparency** goes hand in hand with accountability. Transparency should be built into accountability mechanisms, ensuring that both the government reporting body and the employees, or employees' representatives, are given sufficient detail in the gender pay gap report. Further, we would recommend transparency with the public more broadly. Public, media and academic scrutiny can be powerful motivators for employers to address pay gaps, and provide the opportunity for public acknowledgement and better recruitment for proactive employers. Transparency with the public is best ensured by specifying that gender pay gap reports be prominently displayed on an employer's website as well as published centrally in a searchable registry.

*“Here in the UK, given what the media looks like, nobody wants their company to be featured in a list in the Daily Mail of companies that didn't report. And not only media, but also social media pressure is pretty high... it's the fear of naming and shaming that is pretty effective.”*

– Employer (anonymous), United Kingdom



**BBC** Sign in Home News Sport Weather iPlayer Sounds CBB

# NEWS

Home | Coronavirus | Brexit | UK | World | Business | **Politics** | Tech | Science | Health | Family & Education

Politics | Parliaments | Brexit

## Coronavirus: Gender pay gap enforcement delayed by a further six months

🕒 23 February

## France

The *Index de l'égalité professionnelle* was seen to “name and fame” employers who promoted gender equality according to one of our interviewees (Chiara Corazza, Women’s Forum for

the Economy & Society). Employers said that the Index motivated them to have a good score as clients and the public in general can see it.

## South Africa

One of our interviewees, Gilad Isaacs (Institute of Economic Justice) considered the South African Employment Equality Act a “blunt instrument” to address wage inequalities, critiquing the lack of transparency and the

underutilisation of the reported data. Moreover, the lack of transparency and monitoring was often raised as a central shortcoming of the system, undermining trust and accountability.

## 2. Action plans are essential for change

**Without mandating action plans with clear, time-bound and measurable goals for narrowing the gender pay gap, reporting regimes will be limited in their effectiveness.**

It is clear that reporting in itself is not sufficient to guarantee results. Actions must be included in the process. Employers should be mandated to create **time-bound targets** to redress pay gaps, setting out clear and **measurable goals**. We are aware that contexts differ significantly from country to country, and employer to employer, and reporting regimes should encourage the self-reflection needed for employers to address their own pay gaps.

Action plans should be decided **in agreement with employees or employee representatives**, whether internally or from a relevant trade union. Action plans should name **monitoring committees**, these must include someone from the employer’s senior leadership, and an employee representative or trade union spokesperson as a minimum. These committees would have responsibility for agreeing action plans, monitoring their progress, and ensuring they are carried out appropriately. Government agencies would also, ideally, be able to follow up and monitor these action plans.

## United Kingdom

Stakeholders interviewed in the UK case nearly unanimously pointed to the importance of introducing mandatory action plans which are time-bound and offer measurable criteria. On the one hand this can complement the headline figures by offering more nuance and making employers engage more deeply with the complexity of the issue. Paul Deemer (NHS Employers) noted that because the required statistical information is simplistic, the development

of an action plan is central to bridge the gap. This view was widely shared, with the majority of stakeholders voicing the introduction of a mandatory action plan to contextualise, grasp and address gender inequalities in organisations as the next crucial step in improving the reporting framework in the UK. Most importantly, having action plans will change the system from a monitoring tool to an action tool.

### 3. A dedicated, well-funded body with the authority to impose sanctions will shift the dial

**The results of our research show that strict enforcement is central to the success of gender pay gap reporting regimes.**

A crucial point is that gender pay gap reporting should be enforced. Our cases show that when reporting is voluntary, or poorly monitored, compliance falls dramatically. For legislation to be effective, a **sufficiently funded, dedicated government body** is needed for monitoring and enforcing compliance.

Government departments must be entitled to use public naming of companies that do not comply with the legislation, as well as severe financial sanctions for when the legislation is intentionally ignored

*“Compliance levels were very low because when the law was first introduced in 2007, there was no provision for penalties and thus companies understood that they don’t actually have to comply with the law. Even the public administration had mixed levels of compliance with the law. However, now the new law does stipulate penalties and thus companies are now running and running and starting to negotiate.”*

– Eva Fernández Urbón, National Secretary for Equality and Social Responsibility, CSIF, Spain.

*“We’ve seen that where that requirement happens, the response is significant and if we use the pandemic as an example, where the legal requirements to report on your pay gap were lifted there is tumbleweed. So, we know that if an action is required without enforcement, it has no impact.”*

– Kudisa Batool, Head of Equalities and Strategy, Trade Union Congress (TUC), United Kingdom



## France

While few of the case studies show that heavy penalties have been used, the presence of sanctions as a last resort has been useful, as has the potential to be named and shamed for non-compliance. In France, the Index de l'égalité professionnelle [Index] highlights where companies are failing to address gender equality,

and heavy penalties (up to one per cent of company payroll) can be used against those companies who then do not remedy their situation. This double approach has increased compliance. Penalties need not be used but can act as a failsafe for when other factors do not work sufficiently to motivate companies into complying.

## Sweden

The Swedish case shows how even in the most gender equal contexts, gender pay legislation may fail to have a serious impact if the mechanisms are not in place to ensure the legislation is properly monitored, and employers are held accountable. The major issue facing the Swedish case is the level of compliance with the legislation. This is, for the most part, an unknown. Because employers are not required to report their pay surveys, there is no reliable data on how many employers complete them,

but some studies and interviewees suggest it may be as few as around 40 per cent of employers that conduct the surveys and analysis each year. The *Diskrimineringsombudsmannen* [Equality Ombudsman] (DO) is perceived by the majority stakeholders interviewed for this project, aside from employers, to not have been actively monitoring whether employers complete the pay surveys, and no other organisations or individuals are able to properly hold employers to account.

## 4. Include all employers

**This problem is too important for gender pay gap reporting regimes to only target large employers.**

Small to medium-sized businesses make up the majority of employers globally (ILO 2019) thus limiting policies trying to address the gender pay gap to only the largest employers significantly diminishes their impact. Gender pay gap calculations and clear equality statements should be built-in to the accounting and human resources processes of all employers, with obligations for reporting and accountability applying for employers with fifty or more employees.

## 5. Gender pay gaps do not provide the whole picture – government and employers need to take an intersectional approach

**Data that looks at different social categories should be collected to understand where particular points of difficulty are in individual organisations and sectors.**

Gender interacts with other social categories meaning that some women face much greater obstacles than others. We recommend that employers include some intersectional data and analysis in their reports and action plans, taking into account the cultural and legal context of each country, and individuals' rights to privacy. This could include factors such as (self-disclosed) ethnicity, first language, place of birth, level or type of education etc. This will allow employers to identify blockages to particular groups of women ascending the career ladder, and target more specific approaches to addressing these gaps.

*“It doesn't make sense to talk about women as if they were a coherent whole. You would end up with a lot of unintended consequences in a country where some women were so much more privileged than others.”*

– Neva Makgetla, Senior Economist, Trade and Industrial Policy Strategies (TIPS), South Africa

*“We did publish an ethnicity pay gap number this year. We did publish down to the individual ethnicity group level ... and there was a massive difference... Then you kind of go ‘Well ... what's the overlay between gender and ethnicity?’ So you start to see an even greater disparity when you start breaking it down that way.”*

– Anonymous multinational employer, United Kingdom

## 6. Go beyond the headline figure

**Top-line data is crucial but in order to understand the gender pay gap, government and employers need to outline the context for how the figure was arrived at.**

For gender pay gap reporting to be effective, the creation and dissemination of data must be carefully attended to. We support the use of a **simple, headline figure** as an attention-grabbing tool that facilitates comparisons between employers. However, it is essential that an **explanation of how the figure is produced** is also readily available. Additional data should include additional figures, such as the proportion of men and women in each pay quartile (used in the UK case), bonus gaps and shares, the impact of part-time and full-time work, or the score for individual indicators where an Index is used, as in France. The opportunity to publish a narrative alongside their statistics is often useful for allowing employers to situate their gender pay gap in comparative context and to outline their approach to addressing it. We would also recommend that action plans be included with required reported information. All reported information should be clearly displayed on employer websites and attached to their annual reports.

Further, pay gap analyses should include an awareness of equal pay for work of equal value, and instructions regarding how to calculate this.

The reported information should be integrated into a central system which allows for comparisons between companies, between companies and the sector more broadly, at regional levels, across time, and even across types of measures used in action plans, as can be seen in the Australian case.

### United Kingdom

An interviewee for this research, Jill Rubery (University of Manchester), pointed out that focusing on the pay gap headline number can risk organisations seeking to window-dress their figures by outsourcing lower-paid jobs, which in turn worsens overall gender segregation within the labour market. Instead, it is crucial

that data on women's representation in different levels of organisations and across the pay quartiles are taken into consideration. Better understanding women's (lack of) progression through the pipeline offers greater understanding of the dynamics of discrimination and pay inequality.

## France

One of the main features of the French Index is how it brings together a number of indicators beyond simply looking at the gender pay gap. According to its designer, Sylvie Leyre, the Index is comprehensive in its approach as it includes bonuses and performance shares as remuneration and it is also possible to identify the impact part-time employment has on the pay gap. Many employers interviewed for this research expressed their satisfaction with the fact that the French system goes beyond simply wages and considers other questions around equality and promotions. It was often highlighted by employers that the exercise is helpful as the indicators are very revealing of the dynamics within the company.

Despite the number of indicators, a multinational employer (anonymous) said that the requirements in France are not more cumbersome than others. Two interviewees, Sylvie Leyre and a multinational employer, both pointed to the inclusion of maternity leave in the indicators as being innovative as it is often excluded from gender pay inequality analysis. Sylvie Leyre said it was included to highlight it as one of the main causes of the pay gap. However, the scores for the individual indices which contribute to the final score Index are not transparent on employer websites and some stakeholders criticised this as hiding where the problems lay.

## Australia

The Workplace Gender Equality Act 2012 requires disclosure of a comprehensive range of employment policies and practices, and data enabling measurement against six gender equality indicators. Employment policies and practices covered include recruitment, promotion, termination, training, employee consultation, flexible working arrangements, parental leave, domestic violence leave and sexual harassment. Employers report on these conditions via completion of an online survey and submission of raw data on remuneration, workforce composition and employment terms against six gender equality indicators:

- |  |   |
|--|---|
| a. workforce;  | employees with family or caring responsibilities;                                     |
| b. gender composition of governing bodies of relevant employers;   | e. consultation with employees on issues concerning gender equality in the workplace; |
| c. equal remuneration between women and men;   | f. any other matters specified by the Minister  |
| d. availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting |   |

The range of data captured and requirement for submission of raw data on remuneration and workforce composition make the Australian dataset world leading.

## 7. Raise standards to raise results

### Removing the “tick-box” element of reporting will prevent complacency from employers.

Where gender pay gap reporting systems include minimum thresholds or “pass marks,” they can lead to complacency among companies who meet the minimum threshold but may still have a sizeable gender pay gap. A pass mark approach downgrades the ambition from promoting equality to ticking a box. No pass marks should be included, instead reporting should be applicable to all employers to prevent complacency and slippage.

#### France

The French Index requires companies to have at least 75 points (Rachel Silvera, Université Paris Nanterre). If their score is below 75 points, the company must implement corrective measures to reach at least 75 points within three years. Although this pass or fail approach is appreciated by some, others see it as problematic as it hides issues which still need to be addressed. For example, Michel Miné (Cnam) emphasised that a company can be in violation of the main gender pay laws in France and still have a very good score on the Index. In fact, he said that there were companies that had gender equality Index scores of more than 80 that have been taken to court for violation of gender pay equality legislation. In addition, Rachel Silvera (Université Paris Nanterre) has suggested that it is quite possible for a company to have a bad score on the gender pay gap indicator and

still have an excellent score of 80. In addition, some interviewees suggest that the score can be easily “played”. By just hiring a woman to a senior role, it is possible to go from, for example, 64 to 76. So, companies can just increase the salary of the top women rather than making structural adjustments (Rebecca Amsellem, Les Glorieuses). Thus, the pass or fail approach in France can be problematic in encouraging companies to properly address their gender pay gaps.

Alarming, the Index may be obscuring the level of inequality in France. In total only 10 per cent of companies and four per cent of big companies have not reached the 75 per cent threshold. Although the gender pay gap is at least 15 per cent with some studies suggesting it is up to 28 per cent, however according to the Index, most companies are doing fine.

## Australia

In Australia, companies must signal whether they have employment policies and practices to address gender equality issues around recruitment, promotion, termination, training, employee consultation,

flexible working arrangements, parental leave, domestic violence leave and sexual harassment. Yet just indicating that a policy is in place does not mean that it is being well executed.

*“It’s easy to tick boxes; it’s much harder to prove that you’re making change, that there’s actually been an impact of the work. The pay equity gap is the result of all the other things that you’re doing to create more gender equal workplaces. So, it’s almost like it’s the ultimate effectiveness measure.”*

– Anonymous, Champions for Change Coalition, Australia

## 8. Clearer support from government for employers and trade unions

### Clear support structures for both employers and trade unions will assist governments in gathering data most efficiently and effectively.

Guidance should be provided explaining how to undertake: gender pay gap calculations; definitions of equal pay for work of equal value; and example actions to address gender pay gaps and unequal pay. Sector-level organisations should be supported by governments to engage with their sectors on this guidance.

Engagement with employees through employee representatives or trade unions and associations can help to create robust and accountable gender pay gap reporting systems. Where trade unions and employee representatives lack skills or capacity to monitor gender pay gaps and action plans, as some interviewees suggested may be the case in Spain, government support to carry out this role may prove beneficial.

*“One of the problems is that there are a lot of question marks, a lot of unresolved questions that we just don’t know how these provisions should be interpreted... we don’t really get any guidance, so all these question marks, we just have them... there are a lot of different interpretations, but there’s no way to settle this well.”*

– Peter Tai Christensen, Team Manager, Collective Bargaining and Policy Unit, Unionen, Sweden

### Spain

In Spain, Carmen Seisdedos Alonso (Mujeres en el Sector Público – Women in the Public Sector), has highlighted that equality bodies, such as the Instituto de las Mujeres,

have done a good job in terms of research, capacity building and awareness raising. There are also support initiatives at the level of the autonomous regions.

## 9. Gender pay gap reporting must be seen by governments and employers as one element of a wider package of support to tackle gender inequality in the workplace and beyond

**Gender pay gap reporting is one tool for tackling one aspect of a much bigger problem.**

Gender pay gap reporting can encourage employers to take action to promote gender equality in the workplace, which in turn contributes to reducing national gender pay gaps, raising awareness and initiating social change. However, government action is required to support progress towards gender equality more broadly. Primary focuses should be on improving parental leave; the availability of high quality, affordable childcare; addressing the undervaluation of women's work; and occupational segregation, as well as actions such as increasing pay transparency and ensuring a living minimum wage.

*“This idea of privacy of wages is really bad for women.”*

– Neva Makgetla, Senior Economist, Trade and Industrial Policy Strategies (TIPS), South Africa

### Sweden

A broad critique of the Swedish legislation, for example, that surfaced in many interviews, was the problem that this legislation is not able to address the major causes of the gender pay gap. By its very nature, it is unable to tackle occupational segregation and the undervaluation of women's work. This is because it

works within organisations, so – as was emphasised by Alma Kastlander Nygren (Vårdförbundet, Swedish Association of Health Professionals) – is unable to address the needs of under paid female-dominated occupational groups, such as nurses, because they work for numerous employers.

*“We completely revamped our flexible work and parental leave policies, as well as the support we provided to parents. And looking back, that was all the easy stuff... that was the low hanging fruit. And so, since then, it's been much more focused around the deep seated, unconscious biases that could be slowing the advancement of women towards senior levels in the organisation.”*

– Anonymous, Herbert Smith Freehills, Australia



# Research methodology

The six case studies are based on interviews with over 80 individuals, between February and June 2021. We conducted all the interviews online, in English, French and Spanish, with a few written responses to interview questions.

Interviews have been supplemented with information gathered from academic literature, reports and publications from international and country-specific organisations relating to pay, gender pay gaps, good practice and more. We have also surveyed legislation, government documentation from legislative reviews, public consultations and associated public submissions on both existing and previous gender equality reporting legislation and gender gaps, as well as data from monitoring authorities and government bodies.

# Best practice for employers

In the course of our research, we learned some lessons which can be used as a guide for best practice for employers. The following points are by no means comprehensive, but they are based on recommendations which came through repeatedly in our interviews as important steps employers can take to help reduce gender pay gaps.

1. Conduct **annual gender pay analyses** of employees.
  - a. Include and assess information on bonus gaps and additional forms of compensation such as shares.
  - b. Include information so part-time and full-time work can be disaggregated.
  - c. Assess whether employees are paid equally for work of equal value.
  - d. Include intersectional information in analyses and assessments.
  - e. Assess where and why there are gender pay gaps.
2. Publish **top-level and explanatory data** on your website.
3. Include **results of the analysis** in information given to shareholders and investors.
4. Ask for this information from **companies you work with**.
5. Create **clear and transparent processes** for pay and promotion.
6. End **pay secrecy** clauses and work to increase pay transparency.
7. Advertise all jobs as **flexible/part-time** where possible.
8. **Review job descriptions** and keep them up to date.
9. **Address “blockages”** to women’s employment and progression, bearing in mind any intersectional findings, through eg reassessing recruitment and promotion strategies, improving opportunities for parental leave and flexible working.
10. **End outsourcing** of low paid workers where possible.

*“It’s very important, I would say, for all companies to say that we are aware of the importance of gender equality. If we are going to attract the best co-workers from the labour market to our company, we have to work with gender equality, it’s a part of our trademark, so to speak.”*

– **Edel Karlsson Håål, Salary Formation Consultant, Svenskt Näringsliv, Sweden**

*“You know [gender equality is] the right thing to do, but what’s the business case? It will improve productivity. It will improve performance and innovation.”*

– **Anonymous, employers’ representative, United Kingdom**

# The study



# Introduction

Gender pay gaps, generally measured as the difference between men's and women's average wages, are both a symptom and a cause of other forms of inequality. Addressing pay gaps involves much more than guaranteeing equal pay for equal work. Even in countries where there are robust measures in place to guarantee pay parity for men and women, including the six countries studied here, gender pay gaps persist.

.....  
"Addressing pay gaps involves much more than guaranteeing equal pay for equal work"  
.....

A broad set of measures is needed to tackle and reduce gender pay gaps: the provision of equal parental leave, flexible working, and affordable childcare; reassessing the minimum wage and pay in the care and education sectors; and reviewing the court system to make it more accessible for employment discrimination claims. An important part of this wider picture is changing the awareness and attitudes of employers. If employers start to recognise the sources of gender inequality

in the workplace, and then take proactive steps to address them, this would encourage the cultural changes needed to address the root causes of the gender pay gap.

It's imperative to address gender pay gaps, and not just for the sake of equality. The negative impacts of gender pay gaps reach far beyond pay disparity and can be linked to poorer health outcomes for women and children and higher levels of poverty among women in old age. Undervaluing women's work can also put some of the fundamental services that underpin our society at risk, such as education and healthcare systems. When women are devalued in the workforce to such a greater extent than men, we are perpetuating an imbalanced society and missing out on the full impact of what women, and men, can contribute.

## Global context

Organisations and national governments around the world have long been promoting gender equality by attempting to eliminate sexist and discriminatory attitudes and practices. International treaties and conventions began recognising women's rights in the 1940s, when organisations started integrating a gender into their policies and practices. This trend has developed into a recognition that gender equality and women's empowerment are key to a successful business and even support less overtly gendered global objectives, such as sustainable development.

The United Nations (UN) has committed to achieving economic empowerment for women through three major agreements, namely the 1979 Convention on the Elimination of All Forms of Discrimination against Women (Article 11), the 1995 Beijing Platform for Action, and the 2030 Sustainable Development Agenda (Goal 5). These agreements reiterate the importance of

the principles of **equal pay for equal work and equal pay for work of equal value**, enshrined in the 1948 Universal Declaration of Human Rights (Article 23.2) and in the International Labour Organisation's 1951 Equal Remuneration Convention (Article 1). These three UN agreements highlight the countless challenges that women face in the workplace, which impede the attainment of full gender equality in the labour market. Together these UN agreements have created a supranational legal framework that has deeply influenced how organisations and governments tackle gender-based economic and employment inequalities. Regional organisations, national governments, and private corporations have progressively established monitoring agencies and developed programmes and tools to measure the gender pay gap, with the aim of reducing it. However, it is worth remembering that often it is the commercial motivators that have the biggest impact, as one interviewee told us:

*“Up until the 60s there were regulations that women should have two-thirds of men’s wages for the same work... Did you know why European Union at this time started to look into this?... Because I think in 1957 there were factories making gloves in Germany and in France, and the factories where women worked, they could produce gloves more cheaply. And I think the Germans had men and France had women doing it. And so that was a barrier for the trade, so it was deemed illegal. So that’s how they started looking into this question. It was not about equality at all.”*

– Marie Trollvik, Gender Equality Expert, Lönelotsarna, Sweden

## Main causes of the gender pay gap

To understand the gender pay gap, it’s imperative to recognise that numerous, overlapping factors account for existing economic disparities between men and women.

### Care

One of the main causes of the gender pay gap is the expectation that women will take on the main responsibility for unpaid care work, for both children and elderly and disabled relatives. If women take on this responsibility, they are likely to have to reduce the hours that they work.

The most common example of women reducing work to take on care is that women are more likely than men to take a career break after having children, leading to a loss of valuable experience in the labour market, and a resulting widening of the pay gap between themselves and their male counterparts. Often women subsequently go on to work part-time when they have young children. In the UK, 38 per cent of women work part-time compared to only 11 per cent of men (Francis-Devine and Ferguson 2020). By working part-time, women have the flexibility to balance their paid work and their role as carer. But working part-time may mean that women have to revert to lower skilled, and therefore lower paying, jobs that are more accommodating of part-time work (EHRC 2017; Gonäs and Spånt 2004).

The part-time working gap is compounded by additional factors such as a “gender commuting gap,” where women can spend less time travelling to and from work due to their caring responsibilities, giving them less access to the best opportunities available on the job market (Francis-Deveice and Ferguson 2020). Unpaid care work may also fall more heavily on certain groups of women, often widening socio-economic disparities between groups. In South Africa, of the total annual value of unpaid work, Oxfam South Africa estimate that black women contributed 59 per cent compared to white women, who contributed only nine per cent (Oxfam South Africa 2020).

Swedish women  
in heterosexual  
couples earned

**26%**  
less than men

French women with 3+  
children earned

**18.1%**  
less than men

British mothers face a  
gender pay gap of

**30%**  
by the time their child  
turns 13

The gendered impact that becoming a parent has on income is very clear in the cases we studied. Statistics from Sweden show that, among heterosexual couples with children, women earn 26 per cent less than men, while among single people, women earn eight per cent less than men (European Institute for Gender Equality 2020a). In France, women with three or more children were paid on average 47.5 per cent less than men, compared to women with no children who were paid 18.1 per cent less than men (Direction Générale De La Cohésion Sociale 2020). In the UK, the gender pay gap grows steadily in the years after parents have their first child, culminating in a gender pay gap of 30 per cent by the time the child turns 13 (ONS 2017).

Taking time out of work, reducing hours and balancing work with care means missing out on opportunities and experience at work, which gives them less chance of progressing to positions where salaries are higher. The concentration of women in the lower rungs of most organisations and the lack of women in boardrooms is partially a reflection of these processes.

## Occupational segregation and the undervaluation of women’s work

Occupational segregation is another leading cause of the gender pay gap. This is the case in countries as diverse as South Africa and Sweden (Gradín 2018; Mosomi 2019; Gonäs and Spänt 2004; Lönelotsarna 2016; 2020).

There are clear divides, with heavily male and female-dominated occupations and the female-dominated roles commonly have lower levels of pay. Yearly systematic analyses of male and female-dominated professions by the Swedish organisation Lönelotsarna show that, even when accounting for the levels of education, responsibilities and skills required, female-dominated occupations tend to be paid less than male-dominated equivalents (Lönelotsarna 2016; 2020).

A pattern they found is that caring for people tends to be valued lower than caring for objects or data. This can be seen in female-dominated professions, such as nursing and teaching, where the wages are lower than equivalent roles in other sectors. In France, nurses are paid nine per cent below the French median salary (Silvera 2021). The problem then is that society tends to undervalue the type of work that is more often done by women (European Union 2019). Society appears to value certain types of work less simply because they are associated with the traditional role of women, while placing a high value on traditionally male work.

### **Inequality, discrimination, bias and stereotypes**

Unequal pay for identical work is not the major cause of the gender pay gap in our case studies, but it does play a role. In most countries, laws prevent men and women from being paid differently for doing the same job. That is not to say that these laws are always respected, and certainly there are many exceptions. Further, while overt pay discrepancies for work of equal value may no longer be the major cause for concern, in our case studies, there are certainly many implicit forms of discrimination, bias and stereotyping that contribute to the gender pay gap.

Where gender discrimination occurs it often overlaps with other vulnerabilities and intersectional factors. It must be recognised that gender discrimination impacts women from different ethnicities, life stages, social backgrounds and sexual identities differently. Furthermore, discrimination, bias and stereotyping put women at a disadvantage when applying for particular roles and leadership positions because of societal expectations around their other responsibilities and/or their ability to do the role. This has been shown, for example, in the way men are more frequently selected for the next stage in job applications over women with similar credentials (González et al. 2019).

Gender discrimination often surfaces around pregnancy and parental leave. This problem is very difficult to monitor and prove, often because pregnant

.....  
"A 2015 report in the UK by the Equality and Human Rights Commission found that 54,000 women a year lose their jobs for reasons related to pregnancy or maternity"  
.....

women are unable to absorb the costs of litigating against discrimination. A 2015 report in the UK by the Equality and Human Rights Commission found that 54,000 women a year lose their jobs for reasons related to pregnancy or maternity (Equality and Human Rights Commission 2015). A later report describes how 77 per cent of mothers face negative or discriminatory treatment in the workplace (Equality and Human Rights Commission 2016). A quarter of pregnant women reported experiencing discrimination or unfair treatment during the Covid-19 pandemic, including being chosen for furlough or redundancy,



and mothers were more likely to have lost or quit their jobs than fathers (TUC 2021).

## Solutions

Government and employer policies can have a real effect on mediating the gendered impact of care. Having sufficient maternity, paternity and parental leave options, and the availability of affordable, quality childcare, can give women a genuine choice about whether to take time out of work or the length of their maternity leave, and enable a more gender-equal division of care. Plus, it has the additional impact of creating more equal dynamics between parents in the long-term by increasing fathers' involvement in care and housework (European Union 2019).

.....  
“The frequent lack of flexible working arrangements in more senior jobs acts as a barrier to progression into higher paying roles with more responsibility”  
.....

The provision of flexible work options allow people to participate in the labour market while still upholding their care and domestic responsibilities (European Union 2019). However, these flexible arrangements must be genuinely available at all levels and used by both men and women. The frequent lack of flexible working arrangements in more senior jobs acts as a barrier to progression into higher paying roles with more responsibility (WEF 2020). Even where these options exist, they are not always fully understood by employees and there still exists a fear of judgment about utilising these options (Business in the Community 2021).

By providing more flexible working arrangements for employees at all levels of employment – especially in senior roles –, as well increasing awareness and understanding of such arrangements, individuals can take on career development and promotion opportunities without impeding their ability to care for their dependents (EHRC 2017). The facilitation of these kinds of arrangements allows parents and carers to better balance their work and family lives.

The provision of childcare facilities that are both affordable and of good quality are more likely to encourage women to take on paid work (European Union 2019). However, in countries where the cost of childcare is high, women are more likely to work part-time or give up work completely to avoid the burden of childcare costs (EHRC 2017). This is particularly the case where women have a long commute to work, increasing the number of hours in which they would have to pay for childcare. In the UK, the costs of childcare provision are among the highest in Europe. If this were addressed, women would not only be able to go to work, but work longer hours, in jobs that require more skill and responsibility (EHRC 2017). Policies that extend subsidised childcare, or at least facilitate the provision of more affordable options, would therefore better

the position of women in the labour market, which, in turn, would positively impact the gender pay gap (EHRC 2017).

There have been employer and state-level efforts to challenge the lack of women in male-dominated sectors. Some companies have aimed to hire more women into technical jobs, while others have sought to undertake objective job evaluations to determine the relative worth of jobs or re-evaluate how jobs are advertised (EHRC 2017; Business in the Community 2021).

Trade union membership and collective bargaining can be powerful tools for addressing gender inequality, however this is not always the case. Trade unions can be male-dominated, focus on traditionally male occupations, or lack the membership levels and power to push for real change (Michel Miné; Rubery and Koukiadaki 2018). While collective bargaining is important for wage-setting, there are several disadvantaged groups who often fall outside formal trade union groups, such as domestic workers, migrants and marginalised women workers (Rubery and Koukiadaki 2018). For example, in South Africa, unionisation is highest in sectors like mining and utilities, which tend to be male dominated, while the domestic work sector, where black African women are overrepresented, has low rates of unionisation (Mosomi 2019).

---

**“Wage-setting needs to be viewed through a rigorous and gendered lens so that female-dominated sectors and occupations are not seen to be systematically of less value than male-dominated sectors”**

---

Minimum wage levels are crucial for reducing the gender pay gap because women are more likely than men to work at the minimum wage level (Rubery and Koukidaki 2016; Mosomi 2019). Although the Swedish case – where there is no minimum wage legislation, but wages tend to be higher – provides something of an exception. More broadly, wage-setting needs to be viewed through a rigorous and gendered lens so that female-dominated sectors and occupations are not seen to be systematically of less value than male-dominated sectors.

Transparency in wages, the involvement of trade unions in wage negotiations and keeping job descriptions up to date are all important conditions for setting fair wages (Woodhams 2020; Rubery and Johnson 2019). Pay audits may be a useful tool, particularly when they are linked with scrutiny and follow-ups, although these do not effectively tackle broader issues of undervaluation across female-dominated occupations (Rubery and Koukiadaki 2018). Increased pay transparency, and regular government reviews of pay for occupations such as nursing and teaching, could all help contribute to greater equality in wages.

While laws in most countries enshrine the right to equal pay, it is important that these laws are enforced and that those who do face discrimination are able to access justice. It can be problematic if legislation depends on individual litigants bringing actions, as those facing discrimination are often particularly vulnerable and the costs, stress and time requirements can be prohibitive. It is more effective when there are bodies such as trade unions to support and represent individuals who have faced discrimination (Rubery and Koudiki 2016 p. ix). Legal frameworks that enforce the right to equal pay are only partially effective against workplace discrimination, as they do not “address discrimination encountered by women in promotion, training and education that keep disadvantaged groups in lower paid jobs, nor [do they] address the issue of unpaid care work.” (Rubery and Koukiadaki 2018 p. 123). Indeed, discrimination is still a problem in the EU, despite a good legal framework (European Union 2019).

Legislation is most effective if it does not place the onus on individual litigants. This involves taking the measures outlined above, but also, importantly, working with employers to bring about change. The gender pay gap reporting regimes described in this report are among the tools that governments are starting to use to address gender pay equality in a way which does not require individual litigants to bring problems to public attention, but instead places more of the responsibility for gender equality in the workplace onto employers.

## Why is it important to address gender pay gaps?

Gender pay gaps have multiple negative outcomes. Broadly defined, gendered socioeconomic disparities are connected to issues ranging from poorer health outcomes for women and children and higher levels of infant mortality, to higher rates of domestic violence and rape (Dlamini 2021; Gates Foundation 2019). Another issue directly connected to gender pay gaps is that women tend to have substantially smaller occupational pensions than men due to their lower incomes over the course of their working lives. Figures from our case studies

---

“Gendered socioeconomic disparities are connected to issues ranging from poorer health outcomes for women and children and higher levels of infant mortality, to higher rates of domestic violence and rape”

---

show the extent of these differences. In France there is a difference in direct pension, with women receiving 41 per cent less than men (Direction Générale De La Cohésion Sociale 2020), and in Spain the average public pension for a man is over €400 more per month than for a woman (ClosinGap 2021). This means that more women than men face poverty in old age. In Sweden,

In France, women receive

41%

less direct pension than men

In Spain, men receive

€400

more in their pension per month than women

In Sweden, retired women are

2x more likely

to live in poverty than men

statistics show that retired women are twice as likely as men to live in poverty (OECD 2012).

Addressing the gender pay gap should also help to redress imbalances in our societies. For example, increasing take up of paternity leave and parental leave by men can give a significant boost to women's career opportunities (Rubery and Johnson 2019; WEF 2020). This may help to redress many broader social inequalities and lead to improved health and welfare for men, women and children.

Unfortunately, the economic toll of Covid-19 has disproportionately affected women as they have taken on additional childcare, been more likely to lose their jobs and faced increased levels of domestic violence. The pandemic has also shone a spotlight on the undervaluation of women's work, as the impact of the pandemic has been especially felt by women working in the frontline roles that are so fundamental to the functioning of our societies (Business in the Community 2021; Close the Gap 2021). The vital role played by teachers, nurses and carers more broadly has been highlighted during the crisis where it was rarely acknowledged before. By underpaying those who

work in these sectors, we risk losing talent, increasing staff shortages, and undermining the very backbone of our societies (see eg Lönelotsarna 2020).

## Report overview

This report brings together research on six country case studies in three continents to explore how gender pay gap reporting systems compare on the ground. It builds on a previous report, *Gender Pay Gap Reporting: A Comparative Analysis (2020)*, which compared the legislation in 10 countries. However, this report investigates the implementation of the legislation to establish how multiple stakeholders perceive the impact of gender pay gap reporting systems. Our aim is to identify the key elements that ensure gender pay gap reporting systems are effective.

This report examines the gender pay gap reporting systems – or the equivalent frameworks – in Australia, France, South Africa, Spain, Sweden and the UK. The frameworks all vary in their aims, form and practice. Our intention has been to identify where these frameworks have been seen to be successful by stakeholders and where improvements can be made and to make recommendations based on these findings. By including a range of countries with varying gender pay gap reporting regulations and different

social, economic and cultural contexts in our research, we have designed our recommendations to have universal applicability. Each of our case study countries is ranked within the top 50 countries in the World Economic Forum's 2021 Global Gender Gap Report. However, these range from Sweden, which has long held a place in the top five, to Australia which trails in at number 50 (WEF 2021). Despite these differences, we saw clear themes emerge across our interviews, drawing the case studies together and helping shape our recommendations. Through our research, we have identified nine key recommendations for the development and improvement of gender pay gap reporting regimes.

# Methods

The six case studies are based on interviews with over eighty individuals, between February and June 2021. We conducted all the interviews online, in English, French and Spanish, with a few written responses to interview questions. Semi-structured interview schedules were developed from our starting knowledge and the research in our first report (*Gender Pay Gap Reporting: A Comparative Analysis (2020)*). Yet, in practice, interviews ranged from semi-structured through to much more fluid conversations, depending on the experience and range of knowledge of the interviewees.

We identified four groups of key stakeholders to inform our research from each case. The table below gives an overview of the interviewees for each country.

	Australia	France	South Africa	Spain	Sweden	United Kingdom	Multinational employers
<b>Government stakeholders<sup>1</sup></b>	1	1	1	2	4	3	/
<b>Gender equality advocates and experts<sup>2</sup></b>	11	8	3	9	4	5	/
<b>Employers and employers' representatives<sup>3</sup></b>	3	2	3	3	2	5	6
<b>Trade unions<sup>4</sup></b>	2	/	/	3	2	3	/
<b>Total</b>	<b>17</b>	<b>11</b>	<b>7</b>	<b>17</b>	<b>12</b>	<b>16</b>	<b>6</b>

- 1 This included policymakers and those working at the gender pay gap reporting regulator from each country. The willingness of government officials to be interviewed varied considerably from case to case. In some places we were unable to speak to anyone in this group (South Africa). In other cases, we obtained two or more interviews with and/or responses from senior individuals within the relevant government agencies and departments (UK, Sweden).
- 2 This group targeted gender equality advocacy groups, lobbying groups and feminist organisations. We also spoke to some journalists, academics and other experts who worked within this field or on broader questions of gender equality or economic justice. In each case, interviews were most easily gained from this group, as they were experts with a motive and readiness to speak out on the subject.
- 3 To ensure balance, we wanted to speak to a range of employers from each case. To reduce our focus in this broad group, we aimed to speak to employers from three key target areas: manufacturing, finance, and healthcare, to give a range of male and female-dominated sectors that had some similarities across the cases. In practice, however, we found that many employers we approached did not respond to our requests for interviews. The employers who did agree to interviews were over representative of larger multinational corporations, and most of the employers we spoke to only agreed to interviews anonymously. Some of the interviewees from multinationals were responsible for gender pay gap reporting in a number of countries so were able to speak to many of our case studies. We had much more difficulty speaking to smaller employers. To engage with this stakeholder group, we spoke to a number of organisations which represent employers, such as business groups, or more formal employers' organisations.
- 4 We wanted to speak to trade unions about their views on the gender pay gap reporting system in each case. Trade unions were targeted if: they were very large with high memberships; they represented our three key target areas – manufacturing, finance, and healthcare; or if they were particularly active on gender issues. In some countries, such as France, it was very difficult gaining interviews with trade unions, despite numerous approaches, while in others we were swiftly directed to someone responsible for gender equality for an interview.

Most interviews lasted around an hour. Some interviews were with two or more individuals, particularly if they represented different specialities in a broader organisation. Some organisations and individuals preferred to submit written responses to our questions. Details of the interviewees are listed in the interviews section below.

Interviews have been supplemented with information gathered from academic literature, reports and publications from international and country-specific organisations relating to pay, gender pay gaps, good practice and more. We have also surveyed: legislation; government documentation from legislative reviews; public consultations and associated public submissions on both existing and previous gender equality reporting legislation and gender gaps; and data from monitoring authorities and government bodies.

# Findings

We found a vast variety in how countries design and implement gender pay gap reporting regimes across our case studies.

**Australia** has had gender equality reporting for private sector organisations with more than 100 employees since 1986. The *Workplace Gender Equality Act 2012* shifted focus towards quantitative outcome measures, including: the gender pay gap; workforce composition by occupational group, employment type and managerial level; and recruitment, promotion and resignations by gender.

Historically, women's rights advocates, unions and academics have been critical of the lack of mandated action, while employers and business groups have been critical of the reporting burden. Despite these opposing views, there have generally been high (~98 per cent) compliance rates, despite an absence of strong sanctions for non-compliance.

All data are publicly available (except, crucially, organisation-level gender pay gaps) and can be found on the interactive Workplace Gender Equality Agency (WGEA) DataExplorer. WGEA ensures data are accessible to a wide audience and reporting entities can contextualise their performance among industry peers and make comparisons between companies and industries. Despite this, the gender pay gap has changed little in forty years. Based on the insights of stakeholders interviewed for this research, the key strengths of the Australian regime are its comprehensiveness and transparency; the key weaknesses are the lack of mandated positive action and non-disclosure of organisation-level gender pay gaps.

In **France** there has been a wealth of legislation promoting gender equality in the workplace. The *Index de l'égalité professionnelle entre les hommes et les femmes*, introduced in 2019, has been the latest in a series of attempts to develop a gender equality reporting mechanism. Private sector employers of more than 50 employees must annually submit their results on four criteria, or five for employers of more than 250 employees.

These criteria include gender differences in pay gaps, promotions, and top employees, plus whether women on maternity leave are considered equally for promotions. Their results for these criteria give them a score out of 100. Companies which fail to achieve a score of at least 75 must address their shortcomings and improve their score within three years. Additionally, gender equality agreements must be negotiated with trade unions. Many have argued that the strength of the Index lies in the simplicity of presenting a single score, which helps companies compare progress against each other. Others have emphasised that its greatest shortcoming is that the pass and fail mechanism hides persistent gendered wage inequalities.

In **South Africa**, reporting on the gender pay gap is subsumed within broader requirements to ensure non-discrimination, in particular racial discrimination. The current system takes inspiration from models which focus on remedying pay differentials, rather than addressing gender representation within



organisations. South African employers have to file forms regarding their workplace profile, including data on promotions, recruitment, and income differentials within their organisation. These forms are submitted to the government. A major critique of the system is that after the input required to complete these forms, there is no output from the government, no transparency around the forms, and no way of measuring and comparing results.

**Spain** has, in the past few decades, been legislating to bring about greater gender equality. Although the first law directly targeting the gender pay gap dates to 2007, compliance levels have remained low, and it has only been in the last couple of years that new laws and amendments have been passed. From next year, companies with more than 50 employees will be required to negotiate Equality Plans with trade union representatives, aiming to achieve equality in terms of training, pay, work-life balance and representation. This includes a pay audit. There are concerns regarding monitoring and compliance, as well as a lack of support for small companies.

In **Sweden**, the gender pay survey legislation is remarkably thorough and wide ranging. It requires all employers to conduct gender pay surveys and analysis annually, and to rectify any pay discrepancies found within three years. It has been in existence in close to its current form since 2001. Employers with 10 or more employees are required to document their pay surveys and analysis. The implementation of the legislation is overseen by the *Diskrimineringsombudsmannen* [Equality Ombudsman] (DO). Some studies and interviewees suggest that when the legislation is properly implemented it is an effective tool for reducing pay discrepancies and promoting gender equality. However, the level of compliance is unknown because employers are not required to report their pay surveys so there is no reliable data on how many employers complete them – some suggest it may be as few as 40 per cent of employers (Marie Trollvik, Lönelotsarna; Unionen 2018). This low compliance rate is seen as a failing of the DO in monitoring the pay surveys.

In **the UK**, since 2017 employers with 250 or more employees have been required to publish gender pay gap reports with information on gender pay and bonus gaps. In Scotland, the minimum employee threshold for public sector employers is 20 and it is non-specified in Wales. It does not apply to Northern Ireland. The UK system had 100 per cent compliance in both 2017/18 and 2018/19. All reported information is publicly available on the UK government's Gender Pay Gap Service website and is also required to be published on company websites. This facilitates comparisons between companies, and between the public and private sectors, and allows scrutiny of results by the media and current and potential employees, which, in turn, further increases accountability. While useful, there are two obvious gaps in the UK system. First, that employers are not required to take any action to reduce their gaps. There are no thresholds or penalties for high gaps. Further, a huge section of the workforce is not covered in these gender pay gap reports, ie everyone who works for a company with fewer than 250 employees.

By comparing and analysing the different approaches and systems of our case study countries, we have identified several key recommendations, which are discussed more fully below.

## Accountability and transparency

These case studies show that both accountability and transparency are essential for gender pay gap reporting to be effective.

Employers should be **accountable up** to the relevant government authority, as well as their owners and governance body. Gender pay gap surveys and reports should be submitted to the government agency responsible for monitoring pay equality, and gender pay gap reports should be included in a company's annual report, which is sent to shareholders, investors and other interested parties. Employers should also, crucially, be **accountable down** to their employees, whether to a group of employee representatives, trade unions, or to the organisation as a whole. Guaranteeing employee input and agreement within the gender pay gap reporting system is crucial to its proper functioning.

**Transparency** goes hand in hand with accountability. Transparency should be built into the accountability mechanisms, ensuring that both the government body and the employees, or employees' representatives, are given sufficient detail into the gender pay gap report. Further, we would recommend transparency with the public more broadly. The public, media and academic scrutiny can be powerful motivators for employers to address pay gaps and provide the opportunity for public acknowledgement and better recruitment for proactive employers. Transparency with the public is best ensured by specifying that gender pay gap reports being prominently displayed on an employer's website and published centrally in a searchable registry.

This recommendation comes first and foremost because of the findings in the different cases. In Sweden, companies are not required to report their pay audits or submit information to a government body. As the DO has not been rigorously monitoring pay audits there is no way of knowing what compliance levels are. Australia, France, Spain, South Africa and the UK all include requirements to submit information to a government body, and in these cases non-compliance has been low.

However, accountability up is not sufficient on its own. Very few governments have the willpower or resources to monitor and check thousands of gender pay gap reports and ensure that everything has been reported correctly. This was felt to be the case by our interviewees in South Africa, where reports were submitted into the ministry, but it was unclear what followed. As such, it is important to include those with a greater vested interest in tackling gender pay inequality, ie trade unions or employee representatives. How this accountability down might be structured will vary considerably from country to country and from organisation to organisation. A key determinant will be the level of unionisation within the country. It might involve requiring a

committee of employee representatives to sign off gender pay gap reports, or else the integration of reports into negotiations with trade unions. This step would be important in the UK where there are no requirements to involve employees in the reporting system, and there is uncertainty about the quality of reports. Furthermore, in Sweden we saw that trade unions wanted to take a more active role but there was a lack of clarity in the legislation. Trade union or employee involvement in this case would have made the system more robust to changes in the priorities of the government body. We feel this double accountability would help reduce issues such as poor reporting and the lack of proper monitoring.

A third prong is transparency. Transparency of not just the figures but the information behind the figures should be built into the accountability mechanisms above, particularly in terms of being accountable to employees and employee representatives. Increased information is crucial for targeting issue areas and making progress. This was a key criticism made by interviewees in France where there was the view that trade unions were not given sufficient information. Some level of transparency to the public should also be included, particularly on the key headline figure. This was a problem in Australia, where there was transparency on almost everything except the key gender pay gap information for the individual employer. In Sweden and South Africa there are very low levels of transparency. In Sweden this meant that when monitoring was reduced, compliance fell, while in South Africa the lack of transparency was seen as the reason for a lack of action. The justification for there being no transparency is based on the privacy of employee details, and the small size of employers included. Nevertheless, some key indicator may be chosen to be published. This is important for external stakeholders to be able to hold employers to account, and it helps to push companies to action, as has been the case with the introduction of the Index in France.

## What actions are required?

It is clear that reporting in itself is not sufficient to get results. Actions must be included in the process if we are to see any real change. Employers should be mandated to create action plans with **time bound targets** to redress pay gaps, setting out clear and **measurable goals**. We are aware that contexts differ significantly from country to country, and employer to employer, and encourage the self-reflection needed for employers to address their own pay gaps.

Action plans should be decided **in agreement with employees or employee representatives**, whether internally or from a relevant trade union. They should name **monitoring committees**, these must include someone from the employer's senior leadership, and an employee representative or trade union spokesperson as a minimum. These committees would have responsibility for agreeing action plans, monitoring their progress, and ensuring they are carried out

appropriately. Government agencies would also, ideally, be able to follow up and monitor these action plans.

The UK and Australia are the cases we examined that do not require employers to take any action to address pay gaps. The idea behind the UK approach is that public attention will lead employers into action. While this public attention may motivate many employers, some may not respond to a public poor gender pay gap. As such, if the reporting system is to have maximum impact, the development and implementation of action plans should be mandatory. For action plans to work, as the Australian example shows, they need to be more than tick box exercises.

In Australia, companies must signal whether they have employment policies and practices to address gender equality issues around recruitment, promotion, termination, training, employee consultation, flexible working arrangements, parental leave, domestic violence leave and sexual harassment. Yet just indicating that a policy is in place does not mean that it is being well executed. Action plans therefore need to involve a level of self-reflection, as well as time-bound, measurable targets and some follow up to see if the targets have been met. As this task is too large for most government departments, we suggest that monitoring committees be set up to assess action plans; this would fit with the requirements above for accountability down.

## Enforcement

A crucial point is that gender pay gap reporting should be enforced. Our cases show that when reporting is voluntary, or poorly monitored, compliance falls dramatically. For legislation to be effective, a **sufficiently funded dedicated government body** is needed for monitoring and enforcing compliance.

Government departments must be entitled to use public naming of companies which do not comply with the legislation, as well as **financial sanctions** when the legislation is intentionally ignored.

.....  
“Our cases show that when reporting is voluntary, or poorly monitored, compliance falls dramatically”  
.....

The Spanish case shows that past compliance levels have been very low because there were no sanctions built into the system. While few of the case studies show that heavy penalties have been used, the presence of sanctions as a last resort has been useful, as has the potential to be named and shamed for non-compliance. The latter has certainly been the case in the UK and Australia, where compliance has been high. In France, the

Index highlights where companies are failing to address gender equality, and heavy penalties (up to 1 per cent of company payroll) can be used against those companies who then do not remedy their situation. This double approach has increased compliance. Penalties need not be used but can act as a failsafe for when other factors do not work sufficiently to motivate companies to comply.

## Include all employers

Small to medium-sized businesses make up the majority of employers globally (ILO 2019) thus limiting policies measuring gender pay gaps to only the largest employers significantly diminishes their impact. Gender pay gap calculations and clear equality statements should be built into the accounting and human resources processes of **all employers**, with obligations for **reporting and accountability** applying for employers with fifty or more employees.

In Sweden and Spain requirements are in place which ensure smaller employers are included in the push for workplace gender equality. In Spain all companies must keep a pay registry with information about wage differences including gender data. In Sweden all employers must complete a pay audit, but only employers with over 10 employees are required to document it. These measures may not be easily enforceable, but they indicate that all employers should take equality seriously.

The threshold of 50 employees for reporting seems to function well in France, Spain and South Africa. The argument in the UK and Australia that employers with fewer than 250 or 100 employees do not have the capacity to write a report is undermined by the experiences in all the other cases. Significant

---

“Small to medium-sized businesses make up the majority of employers globally, thus limiting policies measuring gender pay gaps to only the largest employers significantly diminishes their impact”

---

support and clear guidance should be offered to smaller employers.

Additionally, it is important to include both the public and the private sector. The public sector is not included in France, and this is seen as a failing with the Index. When all employers are included, it reinforces the general principle that gender equality in the workplace is a priority, and it increases the ability for comparison between employers and for them all to be held to account.

## Intersectional approaches

Gender interacts with other social categories meaning that some women face much greater obstacles than others. We recommend that employers include some intersectional data and analysis in their reports and action plans, considering the cultural and legal context of each country, and individuals' rights to privacy. This could include factors such as (self-disclosed) ethnicity, first language, place of birth, level or type of education, etc. This will allow employers to identify blockages to particular groups of women ascending the career ladder, and target more specific approaches to addressing these gaps.

Intersectional approaches were prominently discussed in three of our cases: Australia, South Africa, and the UK. In France and Sweden there was a hesitancy about using ethnicity data, but perhaps other approaches could be used. Nonetheless, there are strong arguments for including a degree of intersectional analysis as in most countries women in certain groups will face additional, overlapping degrees of discrimination, and addressing this discrimination may require a different set of policies. In different cases, the priority areas for intersectional analysis might change, for example in Australia indigenous status was pointed to, in the UK the emphasis was on broader ethnicity pay gap reporting, and in South Africa pay reports must designate employees as either African, coloured, Indian or White. While sensitivity around this kind of information is important, this can be addressed through ensuring individuals identify voluntarily and self-identify, and by using terminology or indicators which work within the country framework.

## Reported information

For gender pay gap reporting to be effective, the creation and dissemination of data must be carefully attended to. We support the use of a **simple, headline figure** as an attention-grabbing tool that facilitates comparisons between employers. The UK and French systems have both been praised by stakeholders for having such easy to understand, and easily comparable figures.

However, it is essential that **some context explaining how that figure is produced** is also readily available. This could include additional figures, such as the proportion of men and women in each pay quartile, as used in the UK case, bonus gaps, or the score for individual indicators where an Index is used, as in France. Information on part-time and full-time employment and pay should also be included. The opportunity to publish a narrative alongside the statistics is often useful, allowing employers to situate their gender pay gap in comparative context and to outline their approach to addressing it. We would also recommend that action plans be included in the reported information.

Further we would suggest that pay gap analyses should include an awareness of equal pay for work of equal value and how to calculate this. The Swedish case includes a thorough description of how to calculate equal pay for work of equal value, and although some employer representatives complained that it was complex, other stakeholders thought it one of the strengths of the system that this measure is included.

The reported information should be integrated into a central system which allows for comparisons: between companies; between companies and the sector more broadly; at regional levels; across time; and even across types of measures used in action plans. In the UK, there is a central database where companies can be compared, and a similar system is potentially being set up in Spain. Indeed, it is a criticism of the current Spanish system that data is not readily searchable.

Using a database makes gender pay gap reporting much more effective and accessible and has been widely praised in the UK context. In Australia the reported data is readily searchable, and the government website allows all kinds of searches, however it omits the key information of gender pay gaps at the company level. Without this information being searchable and comparable, the usefulness and public impact of such a tool is significantly diminished. One innovation of the Australian system, that might be replicated elsewhere, is that there is a partnership between the government monitoring body and a university who uses the data to publish analysis of the data, including insights into where progress is being made, or not, and the best tools to tackle the gender pay gap, such as having targets for women on boards and pay audits (Cassells and Duncan 2021).

Reported information should be clearly displayed on employer websites and attached to their annual reports. This again is an important element of transparency, and one of the key places that data should be provided to improve accountability.

## **Aim high**

Where gender pay gap reporting systems include minimum thresholds or “pass marks”, they can lead to complacency among companies who have a sizeable gender pay gap but meet the minimum threshold. A pass mark approach downgrades the ambition from promoting equality to ticking a box. No pass marks should be included, instead reporting should be applicable to all employers to prevent complacency and slippage. The French system of “passing” companies that score 75 out of 100 is problematic for this reason. Companies with high scores have been taken to court successfully on the grounds of gender discrimination, showing that reaching the pass mark should not be a signal of sufficient efforts having been made. Indeed, the pass mark was seen to hide inequalities rather than reveal them.

## **Support for employers and trade unions**

Guidance should be provided explaining how to undertake: gender pay gap calculations; definitions of equal pay for work of equal value; and example actions to address gender pay gaps and unequal pay. Sector-level organisations should be supported by governments to engage with their sectors on this guidance. Stakeholders in each country spoke about the importance of providing guidance and support, particularly to smaller companies. This was raised as an issue in Sweden and South Africa. Government guidance is an important part of the solution but including sector-level organisations as well, where possible, might enable them to address issues sector-specific issues.

Engagement with employees through employee representatives or trade unions and associations helps to create robust and accountable gender pay gap reporting systems. Where trade unions and employee representatives lack skills

or capacity to monitor gender pay gaps and action plans, government support to carry out this role may prove beneficial. This was seen to be an issue in Spain in particular, where the legislation requires trade union participation, but trade unions were over-stretched and did not have sufficient capacity to adequately fulfil this role.

### Part of a broader process

Gender pay gap reporting is one tool for tackling a single aspect of a much larger problem. Gender pay gap reporting can encourage employers to take action to promote gender equality in the workplace, which, in turn, contributes to reducing national gender pay gaps, raising awareness and initiating social change. However, government action is required to support progress towards gender equality more broadly. Primary focuses should be on improving parental leave, the availability of high quality, affordable

.....  
“Gender pay gap reporting is one tool for tackling a single aspect of a much larger problem”  
.....

childcare, addressing the undervaluation of women’s work and occupational segregation, as well as actions such as increasing pay transparency and ensuring a living minimum wage.



# Case study: Australia



01

# Introduction

Australia has had mandated gender equality reporting for non-public sector organisations with more than 100 employees since 1986. Numerous amendments have been enacted over the ensuing timeframe, including two Acts. Earlier iterations of the legislation required qualitative reporting on workforce composition and plans to improve equal opportunities for women. The current *Workplace Gender Equality Act 2012* shifted focus towards quantitative outcome measures, including the gender pay gap, workforce composition by occupational group, employment type and managerial level, and numbers for recruitment, promotion, and resignations by gender.

Throughout all iterations of Australia's gender equality legislation, women's rights advocates, unions and academics have been critical of the lack of mandated action, while employers and business groups have been critical of the reporting burden. Despite these opposing views, there has generally been widespread public support for mandated reporting – demonstrated in high (~98 per cent) compliance rates despite an absence of strong sanctions for non-compliance.

Transparency is also “medium”, with all data publicly available except organisation-level gender pay gaps. The regulatory body, the Workplace Gender Equality Agency (WGEA), conducts a range of data and knowledge translation activities, including industry pay gap benchmarking, to ensure that reporting data is accessible to a wide audience and reporting entities can contextualise their performance among industry peers. The interactive WGEA DataExplorer website presents reporting data graphically at both single time points and longitudinally and enables comparison between companies and industries.

Following the introduction of reporting under the *Workplace Gender Equality Act 2012*, the trend of an increasing gender pay gap was reversed, and the gap has continued to decline. However, the gender pay gap for full-time workers is now at a similar level to where it was in the early 2000s, and the gap for all workers has changed little in forty years. Based on the insights of stakeholders interviewed for this research, the key strengths of the Australian regime are its comprehensiveness and transparency; the key weaknesses are the lack of mandated positive action and non-disclosure of organisation-level gender pay gaps.

# Background

25th

in the Gender Equality Index

8th

in the UNDP 2021

70th

for women's economic participation & opportunity in the Global Gender Gap Index

1st

for women's education in the Global Gender Gap Index

The history of gender equality in Australia is mixed. The country has often been one of the first to legislate protections for women, but outcomes have often lagged. The pre-Federation colony of South Australia was one of the first in the world to grant women's suffrage and the first to allow women to stand for election to parliament (NMA 2021). Australia was also early in legally granting women the right to equal pay in 1972 (NMA 2021) and introducing mandatory gender equality reporting with the *Affirmative Action Act 1986*. On contemporary measures of gender equality, however, Australia is a (declining) mid-range performer, and ranks below comparably wealthy nations. Despite ranking 8th in the United Nations Development Program's Human Development Index, Australia ranks only 25th in the Gender Equality Index (UNDP 2021). Significantly, in the World Economic Forum's Global Gender Gap Index, Australia has tied 1st for women's education since 2014 but has fallen from 14th in 2014 to 70th in 2021 for economic participation and opportunity (WEF 2020; 2014). Women now outnumber men in university graduations, but female-dominated occupations continue to be lower paid than male-

dominated occupations and women remain under-represented in senior and leadership positions (WGEA 2019).

The total remuneration gender pay gap among full-time workers in WGEA reporting organisations is **20.1 per cent**, and the base salary gender pay gap for all full-time workers using Australia Bureau of Statistics (ABS) data is **13.4 per cent** (WGEA 2021). Women undertake the majority of unpaid care work, which is reflected in higher levels of part-time working. The gender pay gap in average weekly wages across all employment (ie full-time, part-time and casual) is **over 30 per cent** (ABS 2021) and higher if accounting for total remuneration. This is a major contributor to gender gaps in lifetime earnings and a gap in superannuation (private retirement) savings – estimated as around **44 per cent** based on median superannuation balances for 2017-18 using Australian Bureau of Statistics figures (ASFA 2019). High and growing levels of occupational segregation is also an important contributor to the gender pay gap. Women are concentrated in industries dominated by “award wages” (a system for setting sector wide pay and conditions), which serves to create wage ceilings (Charlesworth & Macdonald 2013; Smith & Whitehouse 2020). Recent attempts to address pay equity across Awards through legal cases have been unsuccessful.

# Gender pay gap reporting in Australia

Australia has had mandated gender equality reporting for private companies with 100 or more employees and a dedicated oversight agency since the *Affirmative Action Act 1986*. This Act was enacted to advance the position of women in Australian workplaces soon after the *Sex Discrimination Act 1984* made discrimination on the basis of sex unlawful. Gender equality reporting has undergone a number of amendments over the decades in response to legislative reviews, with three separate Acts over the years. Under the first – the *Affirmative Action Act 1986* – reporting organisations were required to submit written reports on their actions to prevent gender discrimination and advance equal opportunity for women on an annual basis. Organisations deemed to be performing well could be granted reporting relief to require only biennial reporting. A 1992 review (AAA 1992) led to the expansion of the reporting mandate to include most non-public sector organisations – ie universities, unions, and non-profit organisations in addition to already covered private firms. A further review in 1998 (Bevan 1998) informed the *Equal Opportunity of Women in the Workplace Act 1999* which relaxed requirements for positive action. The title of the 1999 Act did not include the term “affirmative action,” which had developed associations with quotas, and introduced the notion of “merit” as the basis for decisions relating to employment.

Finally, a 2008 review (KPMG 2008) informed the development of the *Workplace Gender Equality Act 2012*, which involved a significant change to the type of information reported. Specifically, the 2012 Act saw a move from largely qualitative assessments of practice and workforce composition to quantitative data on remuneration (to enable the calculation of a gender pay gap), workforce composition, and workplace policies and practices. The title of the 2012 Act uses the term “gender” instead of “women” to signify that the Act covers all genders. The Act removed the capacity for waiving annual reporting to higher performers and allocated the relevant Minister authority to determine minimum standards for performance as outlined below.

The current *Workplace Gender Equality Act 2012* requires non-public sector employers with 100 or more employees to report annually to the WGEA against a range of gender equality indicators (an extension to cover public sector was announced in May 2021). In turn, WGEA provides reporting entities with an industry benchmark report contextualising their performance against industry peers. WGEA awards a “Workplace of Choice for Gender Equality” citation for employers who apply and are deemed to be achieving a high standard of performance on gender equality against a range of standardised measures.

The *Workplace Gender Equality Act 2012* grants the relevant Minister authority to set minimum standards of performance for reporting entities, and to adjust these over time. At present, the minimum requirement is to have a formal policy or strategy supporting gender equality in at least one indicator domain such as recruitment, promotion, performance management, or overall gender equality. Only employers with over 500 employees are required to

meet minimum requirements. Non-compliant employers may be named in parliament and on the WGEA website and may not be eligible for certain government supports or contracts.

## Legislative intent

Each iteration of gender equality reporting in Australia has nominated similar but subtly different objectives. The *Affirmative Action Act 1986* was the most focused on discrimination and placed the most emphasis on positive action to combat it; subsequent Acts introduced objectives less specific on action, although addressing a larger number of issues. The objectives of the *Workplace Gender Equality Act 2012* are:

- a. to **promote and improve gender equality** (including equal remuneration between women and men) in employment and in the workplace; and
- b. to support employers to **remove barriers** to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters; and
- c. to promote, among employers, the **elimination of discrimination on the basis of gender** in relation to employment matters (including in relation to family and caring responsibilities); and
- d. to **foster workplace consultation** between employers and employees on issues concerning gender equality in employment and in the workplace; and
- e. to improve the **productivity and competitiveness** of Australian business through the advancement of gender equality in employment and in the workplace.

# A review of Australia's gender pay gap reporting system

## Reported information

The *Workplace Gender Equality Act 2012* requires disclosure of a comprehensive range of employment policies and practices, and data enabling measurement against six gender equality indicators. Employment policies and practices covered include recruitment, promotion, termination, training, employee consultation, flexible working arrangements, parental leave, domestic violence leave and sexual harassment. Employers report on these conditions via completion of an online survey and submission of raw data on remuneration, workforce composition and employment terms against six gender equality indicators:

- a. gender composition of the workforce;
- b. gender composition of governing bodies of relevant employers;
- c. equal remuneration between women and men;
- d. availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities;
- e. consultation with employees on issues concerning gender equality in the workplace;
- f. and any other matters specified by the Minister

The WGEA data set is considered world-leading because of the comprehensiveness of data collected and the requirement for submission of raw data on remuneration and workforce composition. The shift to quantitative outcome measures, particularly the gender pay gap, in the 2012 Act was viewed positively by most stakeholders interviewed. The most common criticism expressed by stakeholders of the information reported under the Act was the “yes/no” style disclosure on policies and practices. Concerns were raised about the usefulness of such responses, as they provide no indication of quality, implementation, uptake, or effectiveness.

---

“ 98.5 per cent of organisations reported having a sexual harassment policy, yet regular surveys by the Human Rights Commissioner continue to find experiences of workplace sexual harassment widespread”

---

After nearly four decades of gender equality reporting in Australia, many organisations have gender equality policies in place, but evidence suggests that many policies are ineffective. For example, in the 2020 WGEA dataset,

98.5 per cent of organisations reported having a sexual harassment policy, yet regular surveys by the Human Rights Commissioner continue to find experiences of workplace sexual harassment widespread (AHRC 2018).

When discussing their routine monitoring activities stemming from WGEA data releases, one union (SDA) interviewee noted that, in the absence of any minimum quality standards, organisations could legitimately report “yes” to WGEA on the presence of a relevant policy without that policy meeting legislative requirements for workers’ protection.

*“One concern is around the fact that the questions vary to ‘yes or no, do you provide, do you have policies or procedures?’. They don’t specify what those policies and procedures should contain, so there’s no requirement that they met legislative obligations. And we see a lot of policies that we would argue, don’t even meet the legislative obligations of an organisation.”*

– Anonymous, SDA Union, Australia

Reflecting growing concerns about high levels of workplace sexual harassment in the wake of accusations of rape and assault in Australian parliament, in May 2021 the federal government announced an additional six million dollars in funding for WGEA to enhance reporting on workplace sexual harassment over the next five years; details are yet to be released.

A lesser order concern about reported information expressed by stakeholders was an oversimplification of classifications. To enable comparison across sectors and employers, a set of defined classifications are nominated for occupational groups, managerial status and industry group. Numerous submissions to the 2014 public consultation (eg Tilley 2014) mentioned concerns that the classification systems designated for reporting, particularly occupational classifications, do not reflect real worker designations or occupational groups. Both employers interviewed for this study (BHP and HSF) noted significant differences between internal and WGEA classifications that limited the usefulness of reported data for internal monitoring purposes and increased the reporting burden through data cleaning requirements.

Most stakeholders noted the absence of other measures of disadvantage in the Australian gender equality reporting regime, in addition to the binary measure of gender, but there was no consensus on whether reporting requirements should be extended to reflect intersectional disadvantage. In contrast, most public sector equality reporting frameworks capture Indigenous status, disability, and language background; and recently passed public sector workplace equality legislation in Victoria captures these in addition to sexual orientation and religion.

## Compliance, penalties and sanctions

Non-compliance is reported by WGEA, with scope for the federal government

to enact sanctions on non-complying entities. Throughout all iterations of gender equality reporting in Australia, a combination of a “naming and shaming” strategy through publication of non-complying entities and a withholding of eligibility for government supports or contracts has been used to encourage employer compliance. This approach appears to have been reasonably effective, and compliance with reporting obligations has long consistently high – 98 per cent in 2021 (WGEA 2021). Despite high compliance by international standards, non-compliance rates have doubled since reporting under WGEA began (WGEA 2014; 2021b). Further, a 2021 audit of government tender records by national news outlets found that 31 non-compliant organisations were awarded federal government contracts, suggesting that government sanctions through withholding eligibility were not being imposed (SMH 2021).

As compliance with the Act does not require organisations to act on identified gender inequalities, or reduce their gender pay gap, failure to undertake positive actions is not a breach of reporting obligations and carries no penalty. The absence of mandated action was heavily criticised by the majority of stakeholders interviewed.

## Transparency and monitoring

Monitoring of employer compliance is conducted by WGEA. Monitoring of employer performance is largely left to third party stakeholders – enabled by relatively high transparency (excluding organisation-level pay gap) and extensive data translation by WGEA. Reporting entities are required to share public reports with employees and unions, although one union interviewed (SDA) reported often receiving reports too late to comment and/or needing to chase employers for copies. WGEA conducts a range of important knowledge translation activities to enable monitoring by third party stakeholders, including conversation of raw data into user friendly graphs that present aggregated data at industry and employer levels, and at both single time points and longitudinally across all seven reporting years. The interactive WGEA DataExplorer page allows users to select multiple employers and/or industries to compare, and also publishes employer public reports in full. Raw data (excluding remuneration data) for each reporting period are publicly available for download in spreadsheet form to enable statistical analysis.

Through a formal partnership with Curtin University, WGEA’s dataset is analysed annually and has been extensively interrogated to identify trends and best practices (see eg Cassells and Duncan 2021). Both unions interviewed (SDA and United Workers) reported using data published by WGEA in advocacy activity and/or communications with employers, and the superannuation fund interviewed (Verve Super) reported using WGEA data in investment research and company screening. Annual releases of WGEA data are widely published by media outlets, and periodically reported on around particular issues like parental leave or female leadership.



The major criticism of current transparency mechanisms by interviewees was the aggregation of gender pay gaps to the industry-level, rather than releasing the remuneration gaps of individual reporting entities in publicly available data. The absence of arguably the most important variable – that is, the gender pay gap – in the dataset limits its usefulness and impedes monitoring of performance over time.

Despite the establishment of (further) extensive evidence on gender inequality through WGEA reporting, most stakeholders reported that such evidence has not been enough to substantially change attitudes or practices. Reliance on third party monitoring and advocacy was thus highlighted as an additional weakness of the Australian regime, as it appears information leverage is not sufficient to overcome the disadvantaged bargaining position of women and women’s advocates around employment.

*“Gathering that information and putting those research reports out is very useful. No question about it. But if we are relying on that to have a wholesale shift in thinking, and more action around things like the gender pay gap, I think that it would have happened by now. And it hasn’t.”*

– Catherine Fox, Journalist, Australia

## Employer size and sector

In Australia, the threshold for reporting has been set at employers with 100 or more employees since 1986. Initially capturing only private sector firms, the reporting mandate was extended to most non-public sector entities following the 1992 review, and in May of 2021 the federal government announced an expansion to public sector employers. The public sector has long been covered by separate federal or state legislation. As outlined earlier, some state level legislation captures a broader range of vulnerabilities such as Aboriginality, disability and non-English speaking background, but coverage and reporting requirements have not been universal.

Regarding the employer size threshold, interviewees generally expressed similar perspectives to those articulated in public reviews of the legislation – that the threshold is reasonable. Numerous academics and advocacy groups raised the same two intersecting issues relating to the size threshold – firstly, that the existing threshold leads to the exclusion of a large proportion of female workers, particularly the most vulnerable who are overrepresented in casual and part-time employment by smaller businesses. And secondly, that the significant increase in workload that would be associated with an increase in reporting organisations may not be accompanied by the necessary increase in funding to WGEA.

## What are the strengths of the Australian system?

The key strengths of the Australian regime reported by stakeholders are the comprehensiveness of the reporting requirements and subsequent dataset, along

with the transparency, accessibility, and comparability of the data across firms and industries. The high compliance rate is an important contributor to the comprehensiveness of the dataset.

.....  
“As an early mover  
on quantitative  
gender equality  
reporting, Australia  
now has a world-  
leading dataset”  
.....

As an early mover on quantitative gender equality reporting, Australia now has a world-leading dataset that is extensively analysed and translated by the monitoring Agency (WGEA). The annual reporting cycle was also viewed favourably as a means of keeping workplace gender equality on employers’ agendas, and to enable stakeholders to monitor change over time, in particular the reports published in collaboration with Curtin University (see eg Cassells and Duncan 2021).

### **What are the weaknesses of the Australian system?**

The most heavily criticised feature of the Australian regime was the absence of mandatory obligations on employers to act to correct identified inequalities. The proportion of employers taking action to correct remuneration inequalities has remained relatively stable – around 50 per cent since the existing reporting regime was enacted seven years ago (WGEA 2021). An associated weakness is the non-disclosure of organisation-level gender pay gaps, which makes it difficult for third party stakeholders to pressure reporting organisations on their performance.

Although few interviewees considered it feasible to reduce the reporting threshold, a reported weakness of the Australian regime is its failure to capture a significant proportion of female workers, particularly the most vulnerable. The recent expansion of reporting requirements to include the public sector will go some way towards capturing a more complete sample of the Australian workforce but will still miss many of the most vulnerable and low paid workers in small businesses. The exclusion of contractors may also miss many vulnerable employees and could encourage outsourcing of low paid jobs. The exclusion of partners (owners) masks the extent of income inequality in partnership structures common in professional services.

A concern raised by numerous academics, advocates and a former public servant was a perceived oversimplification of classifications that renders the exercise of annual reporting incapable of generating accurate diagnosis of gender inequality problems. Guidance is provided to employers on the conduct of detailed pay audits, but they are not compulsory. The counter concern expressed by reporting entities relates to the administrative burden of compliance. Such concerns are documented in all public reviews and consultations on Australia’s gender equality reporting regimes. The existing level of simplification represents the compromised position achieved through negotiations around legislative design.

A broader, but widely expressed criticism was the inability of any organisation-level gender equality reporting legislation to effectively address structural inequalities in the economy or the systemic undervaluation of women's work. Some stakeholders reported a concern that overemphasis on organisation-level gender pay gaps may draw attention away from industry-based inequalities evident in economy-wide gender pay gaps. In recognition of this risk, interviewees reiterated the importance of considering organisation-level pay gaps in context, and also capturing multiple measures of disadvantage.

*“It’s frustrating that, because educators and aged care workers are paid so low, even if they all got a pay rise, it wouldn’t show up as much improvement in the gender pay gap. And so, do we need a different mechanism to assess our progress?”*

– Anonymous, United Workers Union, Australia

## What has been the impact of the legislation?

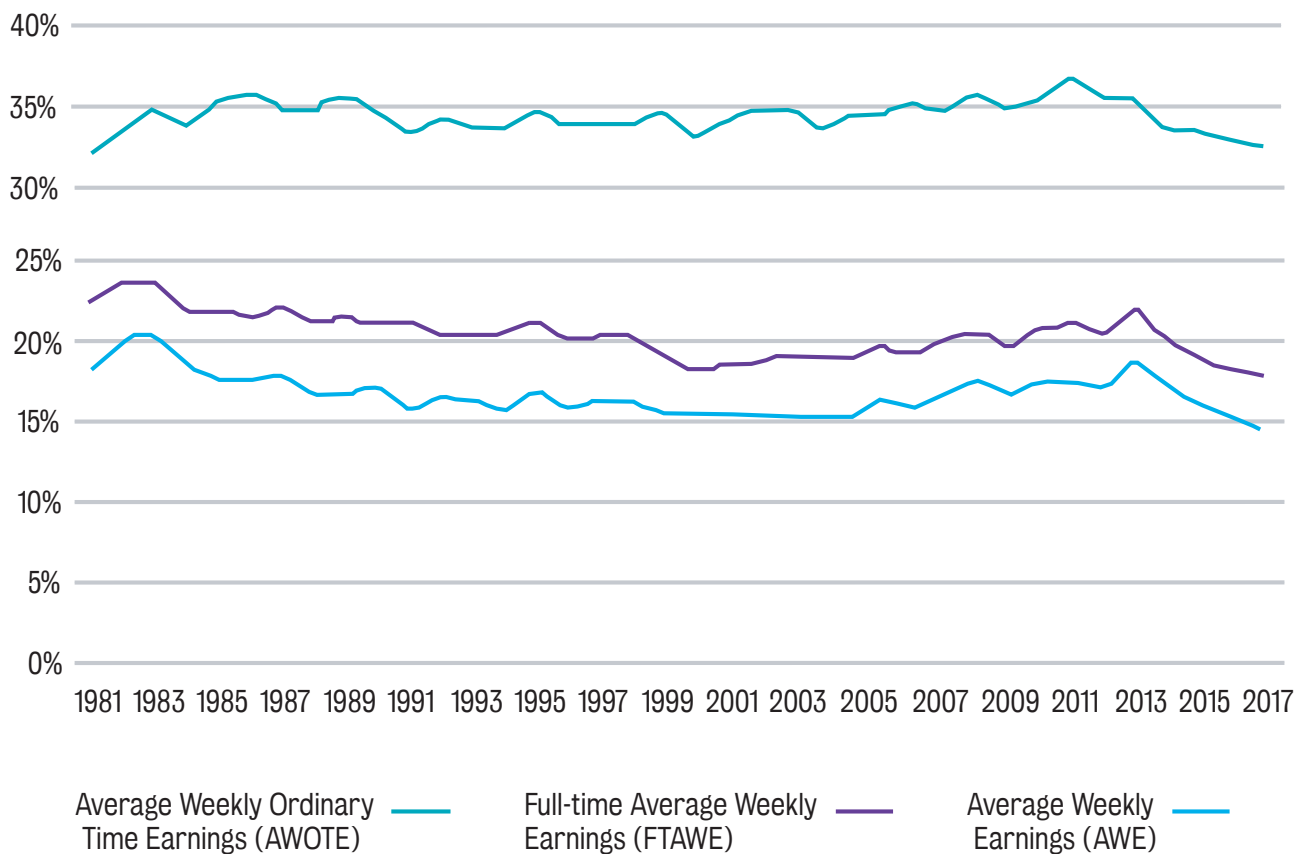
The impact of gender equality reporting was an issue raised by many of the stakeholders interviewed. Impact (or lack thereof) has also been the focus of much of the academic research on the topic (eg Macneil and Lui 2017; Peetz et al 2008; French and Strachan 2007; Braithwaite 1993). It is not possible to genuinely disentangle the impact of legislation from the impact of other factors to assess the impact of gender equality reporting, but some correlations can be drawn.

Since the enactment of the *Workplace Gender Equality Act 2012* reporting requirements in 2014, the base salary gender pay gap among full-time workers has steadily declined, but it now sits at a similar level to 2004 and it has

.....  
“The base salary gender pay gap for all worker categories... has shifted little in nearly four decades and remains high at more than 30 per cent”  
.....

fluctuated within a similar range for more than three decades – as presented in Figure 1 below. Of particular concern, the base salary gender pay gap for all worker categories (full-time, part-time and casual), has shifted little in nearly four decades and remains high at more than 30 per cent.

**Figure 1. Gender pay gap, weekly earnings, 1981-2018 (%)**



Source: from Charlesworth and Smith (2018); calculations based on data from Australian Bureau of Statistics, Average Weekly Earnings, Australia, Catalogue no. 6302.0

Using the base salary gender pay gap among full-time workers that is most often analysed, including by WGEA, industry-level analysis shows that most of the reductions have been concentrated in a few industries, most notably mining, while many industries’ pay gap have remained relatively stable and some have increased. Overall, female-dominated industries have seen the least reductions (WGEA 2021).

Three key barriers were cited in stakeholders’ interpretations of the enduring gender pay gap in Australia. Firstly, there is an **over-representation of women in part-time and casual roles**, which are typically lower paid and hold fewer advancement opportunities. This pattern is partly a reflection on unaffordable high-quality childcare or aged care. Secondly, the **undervaluation of women’s work** is perpetuating inequalities between male and female-dominated occupations and industries in a highly gender segregated workforce. Thirdly,

and relatedly, **individualistic cultural norms** are causing an emphasis on individual merit and choice over group (dis)advantage. Remedies for the first two barriers were viewed as largely beyond the control of individual organisations. Remedies to the third, although difficult, were seen as within the scope of organisational activity and consequently, the remit of organisation-level gender equality legislation.

One commonly reported symptom of the focus on concepts of individual merit and choice was the repudiation of organisational responsibility for unequal outcomes (as opposed to “opportunities”). Philippa Hall, a career gender equality advisor and important architect of early iterations of gender equality reporting in Australia, discussed her observations of the enduring tendency for organisations to account for gender inequality in a way that negates their own role in it.

*“In my experience, there’s a very great readiness to explain away the contributing factors in the gap. And see, if you have actually explained it, you don’t need to do anything.”*

– Philippa Hall, Career Gender Equality Adviser, Australia

A 2014 audit of qualitative gender equality reports submitted under the *Equal Opportunity for Women in the Workplace Act 1999* made similar observations, finding many organisations reported having established a range of gender friendly policies and consequently had no further responsibilities (Ainsworth 2010).

Both employers interviewed are among the leaders in their industries on gender equality outcomes. In describing the evolution of gender equality activities in their organisations, both noted policy development as an early step in a long journey towards cultural change. For example:

*“We completely revamped our flexible work and parental leave policies as well as the support we provided to parents. And, looking back, that was all the easy stuff... that was the low hanging fruit. And so, since then, it’s been much more focused around the deep seated, unconscious biases that could be slowing the advancement of women towards senior levels in the organisation.”*

– Anonymous, Herbert Smith Freehills, Australia

Such narratives reinforce the importance of maintaining standardised measures of organisation-level gender equality, such as the gender pay gap, in equality reporting regimes to ensure employer performance can be assessed on more than presence of policy documents alone.

*“It’s easy to tick boxes; it’s much harder to prove that you’re making change, that there’s actually been an impact of the work. The pay equity gap is the result of all the other things that you’re doing to create more gender equal workplaces. So it’s almost like it’s the ultimate effectiveness measure.”*

– Anonymous, Champions for Change Coalition, Australia

## How could Australia’s legislation be improved?

Most interviewees felt that mandated positive action on gender equality was needed to generate significant change. Many, however, expressed little confidence that such an approach would be enacted in Australia. Journalist Catherine Fox described Australia as “allergic to making it [action on gender equality] anything more than voluntary”.

Within the existing legislative framework, the most suggested change was the publication of organisation-level pay gaps. This was closely followed by an extension of reporting requirement to include mandated action plans with associated performance improvement mechanisms that could be assessed and monitored. In that regard, earlier iterations of Australia’s gender equality reporting had included disclosure of action plans, but they were generally found to be overly broad and rarely led to improved outcomes, suggesting that outcome indicators such as the gender pay gap may be a better method of assessing the impact of stated intentions.

## How else could the pay gap in Australia be targeted?

Most stakeholders interviewed saw methods addressing structural inequalities as the most important alternative methods for tackling gender pay gaps, in particular improvements to the *Fair Work Act 2009* (national industrial relations legislation) to enhance equal pay protections and create a genuine legal avenue to try equal pay cases (currently impeded by prohibitively high burdens on individual claimants). The outlawing of pay secrecy clauses that prohibit employees from discussing their pay was also raised, as were Environmental and Social Governance (ESG) mechanisms, which have served as an important source of pressure on some employers, particularly in male-dominated industries.

Both employers interviewed discussed changing expectations among their own external stakeholders, particularly investors and customers/clients, to include increased demands for direct disclosure of diversity and inclusion practices. In Australia, female representation on the boards of publicly listed companies has been a particular focus of attention, resulting from the establishment the 30 per cent female representation target in board membership by the Australian Institute for Company Directors, and the Australian Stock Exchange’s Corporate Government Council’s introduction of reporting requirements around board composition and measurable objectives for achieving gender diversity.

A number of interviewees mentioned the recent enactment of gender equality reporting by the Victorian state government (*Gender Equality Act 2020*) covering public sector and university employers as an example of a more comprehensive and holistic regime. The purpose of that Act holds more similarities with the *Affirmative Action Act 1986* in its requirement for positive action from employers. It also recognises the intersectionality of gender discrimination in requiring reporting on ethnicity, Indigenous status, disability, and sexual orientation. Furthermore, it explicitly requires reporting on equal remuneration for work of comparable value.

# Conclusion

The *Workplace Gender Equality Act 2012* is essential for equipping advocates and activists with evidence of gender inequality, without which acknowledgement of the problem would be limited. However, the legislation is not sufficient to achieve significant change due to the absence of any mandate for positive action. Stakeholders clearly see government intervention as an important driver of employment relations in Australia and advocacy efforts discussed more often targeted governments than employers.

*“If employers were doing the right thing, we [wouldn’t] have to have those placards outside Parliament House saying ‘treat us fairly.’”*

– BPW Australia (Equal Pay Alliance), Australia

Despite its apparent inability to directly engender change, gender equality reporting has both symbolic and informational value capable of indirectly supporting change. Stakeholders were generally supportive of the comprehensiveness of reporting under the Workplace Gender Equality Act 2012 and supportive of existing transparency levels, with the notable exception of the absence of organisation pay gap reporting.

## Key suggestions

When asked to nominate a single most important change, the most cited action was the enactment of mandated positive action on gender equality. The interviewees in this research, and multiple legislative reviews and subsequent government responses, suggest there is a lack of appetite for mandated positive action. As such, a hard-regulatory approach is not likely to gain widespread support. In the absence of political appetite for such a shift, these recommendations seek to leverage existing design features of the soft regulatory framework to further enhance transparency, provide clearer performance guidance, and maintain the symbolic value of the *Workplace Gender Equality Act 2012*.

### 1. Publish organisation-level pay gap data

To advance capacity for external monitoring, there needs to be **increased transparency** to include publicly available gender pay gaps (total remuneration for full-time workers and all workers) at the organisation level. Publishing organisation-level pay gaps would bring Australia in line with the UK. This was the most common recommendation among stakeholders interviewed and the most important change nominated by recently outgoing Director of WGEA, Libby Lyons (WGEA 2021b). Putting policies in place is in no way a guarantee of gender equality, and employers that appear active through a policy lens may be lacking when it comes to taking concerted action to address gender equality.



## **2. Nominate minimum standards for rolling average reductions in the gender pay gap**

There needs to be **clear guidance** on performance expectations to inform standards for third party monitoring. Establishing appropriate standards would require extensive consultation, but it is within the existing authority of the relevant Minister to nominate outcome-level minimum standards.

## **3. Enact the nominated non-compliance sanctions**

Failure to enact the nominated sanctions for non-compliance symbolises a lack of commitment to gender equality by the federal government and may discourage compliance by reporting entities into the future. Under the Act, non-compliant entities may be **ineligible for government contracts** and supports; recent audits found 31 non-compliant organisations in receipt of government contracts (SMH 2021). Administrative controls should be strengthened to prevent both intentional and unintentional ignorance of non-compliance by government departments.

# Case study: France



02

# Introduction

16th  
in the Gender Equality Index

39%  
of seats in the National  
Assembly are occupied  
by women

19%  
gender pay gap

71.6%  
of people with the top  
0.5% of wages are men

France has a relatively high standing in terms of gender equality worldwide. It is currently in 16th place on the World Economic Forum (WEF)'s Global Gender Gap Report (WEF 2021). The political representation of women varies at different levels. In terms of women's representation in parliament, 39 per cent of seats at the National Assembly are occupied by women, while at the Sénat, it is 33 per cent. This dips at the local authority level, where only 20 per cent are led by women (Direction Générale de la Cohésion Sociale 2020).

For 48 years, the law in France has required that women be paid the same as men for equal work. Yet, this is far from being the reality. The Ministry of Labour recently analysed data from nearly 40,000 French companies with more than 50 employees. It estimates that only 6 per cent of French companies have no gender pay gap. In companies with more than 50 employees, there are only 2 women for every 10 management positions (Gouvernement 2019).

In 2020, the gender pay gap in France was 19 per cent across all occupational categories. Furthermore, inequalities differ by sector and level. In certain sectors, like in healthcare – where women disproportionately make up the majority of the lower paid jobs – gender gaps are bigger (eg 21.3 per cent in public hospitals). Further, women are under-represented at the top, for example 71.6 per cent of people with the top 0.5 per cent of wages are men. These gaps reflect the different distribution of men and women in employment, as women are **less often managers** than men and **more often occupy low-skilled positions** (Direction Générale De La Cohésion Sociale 2020).

“For 48 years, the law in France has required that women be paid the same as men for equal work. Yet, this is far from being the reality.”

Considering the question of parenthood, in 2017, women employed in the private sector on average face an increasing gap compared to men in net wages, depending on how many children they have. Women with no children face a gap of **18.1 per cent**, with one child it is **24.1 per cent**, two children **32.3 per cent**, and women three or more children were paid on average **47.5 per cent** less than men. These gaps are subsequently reflected in the difference in direct pensions

between women and men, which in 2018 was **41 per cent** (Direction Générale De La Cohésion Sociale 2020).

Laws to redress this gap are starting to have an effect. 10 years after the *Copé-Zimmermann* law mandated the inclusion of more women on the boards of large companies, the High Council for Equality between Women and Men (2021) found that the law is a success in large companies: women comprised 44.6 per cent of the boards of directors of CAC40 companies and 45.6 per cent for the SBF 120 in 2020. However, they also found that “Parity stops at the gates of power” as there are only three SBF 120 companies with female CEOs, and just one CAC 40 company.

.....  
“In 2011, an INSEE study showed that one in four people still think that men should have priority over women when it comes to finding a job in times of economic crisis”  
.....

Overall, despite several top-down initiatives to end pay disparities between men and women in France, regulated through extensive legal frameworks, there is still a long way to go. In 2011, an INSEE study showed that one in four people still think that men should have priority over women when it comes to finding a job in times of economic crisis (INSEE 2011). This shows that women are still expected to balance their professional and family lives and family responsibilities remain perceived to belong to women (INSEE 2020). The Covid-19 pandemic further emphasised this as during the spring 2020 lockdown, women did most of the domestic work even when they were not working from home.

# Background

Since the 1980s every French government has reaffirmed their commitment to eradicate the gender pay gap (Silvera and Perrot 2014). Nonetheless, the persistent unequal treatment of women in the workplace follows a legacy of laws and gendered cultural norms that, although overridden by an array of subsequent legislation, continue to hinder the effective integration of women in the labour market.

In 1804, the *Code Napoléon* entrenched in law the principle that married women, alongside minors, criminals, and those mentally incapacitated were denied legal rights. Furthermore, married women were not allowed to sign contracts, manage their property, travel without the permission of their husbands or receive their own salaries. It was only in 1938 that the Napoleonic Code imposing the civil incapacity of women and the duty of obedience of wives towards their husbands was abolished (Silvera and Perrot 2014). The 1946 Constitution which was subsequently adopted established for the first time “to women the same rights as those guaranteed to men”.

Since 1950 a number of laws began to set and reinforce principles of equality for men and women at work. The inclusion of provisions for equal pay for work of equal value first emerged in the 1972 *Loi relative à l'Égalité De Rémunération Entre Les Hommes et Les Femmes*, a transposition of the Convention 100 of the ILO to the Code de Travail. The law stated that all employers are required to ensure equal pay for men and women for the same work or for work of equal value.

The obligations on companies to monitor and report on equality began in 1983 with the *Loi Roudy*. This ground-breaking law required companies with more than 50 employees to publish an annual “*rapport de situation comparée*” (RSC), a comparative situation report focusing on professional equality between men and women in relation to recruitment, training, promotions, qualifications, job classifications, working conditions and remuneration. This mechanism relied on a triple assurance: 1) the reliability of figures; 2) the cooperation of company leaders to produce the reports; and 3) the role of trade unions as partners in the social dialogue to appropriate the measure and translate it into concrete measures (Chappe 2021). However, it did not enable the state to act directly and instead relied on companies to execute their own internal policies based on this framework.

The role of equality in compulsory negotiations, was reinforced in the 2001 *Loi Génisson*, which specified that equality needs to be integrated in all compulsory negotiations – including salaries, work duration, professional training, etc – and the 2006 the *Loi relative à l'égalité salariale entre les femmes et les hommes*, which required all negotiations to include the aim of eradicating pay gaps by the 31 December 2010. Although this latter aim was not achieved, the 2006 law established the important principle that an employee on maternity leave or adoption leave must be promoted in line with others. This law is one of the five indicators of the 2019 Index.

By 2010, there was a recognition by parliament that the current legislation was not having a sufficient impact. In 2010, there were only 63 branch agreements and 800 company agreements – out of 24,000 companies declaring a trade union delegate – dealing specifically with professional equality (Sénat 2021). Thus, Article 99 of the the *loi du 9 novembre 2010*, introduced a financial penalty against companies with at least 50 employees that have not concluded a professional equality agreement, or, in the absence of an agreement, that have not defined the objectives and measures constituting an action plan to achieve professional equality. The amount of the penalty for the absence of an agreement or action plan depended on the efforts made by the company in gender equality in the workplace or the reasons for its failure to meet its obligations and may not exceed 1 per cent of the total payroll and benefits paid by the company.

Since 2012, several alterations have further tightened the reporting requirements and pushed for a greater inclusion of equality in agreements with trade unions. A 2012 Decree and the *loi du 4 août*, have: increased the number of themes that must be included in action plans and agreements; ensured action plans or agreements are submitted to the state as well as to regional directorates; ensured an increased role for equality in negotiations with trade unions; and placed more emphasis on parental leave and sexual harassment.

Following Macron’s pledge to bring about gender equality as it is “absolutely fundamental to the vitality of our society, our economy and our democracy” (Institut Montaigne 2019), the Minister of Labour, Muriel Pénicaud, vouched to eradicate gender inequality in companies through the creation of the *Index de l’égalité professionnelle entre les hommes et les femmes* (Index). Unveiled on 22 November 2018, the tool aims to enable the assessment of differences in pay across different companies. In case of a substantial gap, the employer will have three years to remedy the situation. In a press conference at the time, Muriel Pénicaud said: “I am proud that France is at the forefront of professional equality... women and men will be the big winners, and our companies will emerge more united and stronger” (Gouvernement 2019). Companies now have an obligation to achieve results as the Index introduced an evaluation tool to measure and correct pay differences in companies (Gouvernement 2019).

.....  
**“Despite all the pledges and efforts, pay inequality remains strikingly high and is indicative of other inequalities within and outside of the labour market ”**  
 .....

It has been argued, however, that the Index as a tool has no intrinsic legal value in terms of changing the legal substantive requirements of the law. The Index acts as a magnifying glass, as such it is a simple diagnostic tool that sheds light on warning signs, but it does not fundamentally add to the existing legal requirements (Blanchard and Pochic 2021). Thus, it is essentially a transparency

tool. Initial data on compliance seems to suggest that, at the very least, companies are responding to the pressure.

Today, France has 10 laws on gender equality (Silvera 2013). Nonetheless, despite all the pledges and efforts, pay inequality remains strikingly high and is indicative of other inequalities within and outside of the labour market (Silvera 2021).

.....  
“In France the salary of nurses is among the lowest out of the OECD countries: -9 per cent of the French median salary ”  
.....

While progress in the last generation or so has been substantial, structural issues remain in areas such as the **over-representation of women in part-time work**, and **occupational segregation** where women tend to work in professions and industries with the lowest pay. For instance, in France the salary of nurses is among the lowest out of the OECD countries: **-9 per cent** of the French median salary (Silvera 2021).

# Gender pay gap reporting in France

*Loi Roudy* (1983) and *Loi Génisson* (2001) require companies with more than 50 employees to negotiate with trade unions and publish an RSC – a comparative situation report focusing on professional equality between men and women in relation to recruitment, training, promotions, qualifications, job classifications, working conditions and remuneration.

In addition to these requirements, the *LOI n° 2018-771 du 5 septembre 2018 pour la liberté de choisir son avenir professionnel*, introduces the obligation for companies to calculate and publish on their websites the Index de l'égalité professionnelle. The obligation concerns private sector companies, associations, and unions with at least 1,000 employees as of 1 March 2019; those with at least 250 employees as of 1 September 2019; and those with at least 50 employees as of 1 March 2020. The law thus applies to industrial and commercial public establishments, as well as certain public administrative establishments employing under private law conditions. Local authorities are not subject to this obligation.

The Index is a point-based system and can be easily calculated on an online platform (*Index EGAPRO*). The score is out of 100, calculated based on four criteria for companies with 50 to 250 employees) and the fifth for those with more than 250 employees:

- no pay gap between women and men of comparable age and position: **+40 points**;
- the same chance of getting a pay raise for women as for men: **+20 points**;
- the same chance of getting a promotion for women as for men: **+15 points** (NB: companies with less than 250 employees will not be required to fulfil this criterion)
- the number of female employees who receive a pay increase upon returning from maternity leave: **+15 points**;
- and at least four women in the 10 highest paid roles: **+10 points**.

Each year before 1 March, companies with at least 50 employees must publish the Index on their website. They must communicate the Index and the details concerning the indicators to their Social and Economic Committee (CSE) and to the labour inspectorate. If their Index score is below 75 points, the company must implement corrective measures to reach at least 75 points within three years. The measures to be taken must be established within the framework of negotiations on professional equality, or in the absence of agreement, by unilateral decision of the employer and after consultation of the Social and Economic Committee. This decision must be submitted to the inspection du travail at the Direction Régionale des Entreprises, de la Concurrence, de la Consommation, du Travail et de l'Emploi (DIRECCTE).



In case of non-publication of the Index, failure to implement corrective measures or inefficiency of the measures, the company is liable to a financial penalty of up to 1 per cent of its annual payroll. Each year before 1 March, companies with at least 50 employees must publish the Index on their website. They must communicate the Index and the details concerning the indicators to their Social and Economic Committee (CSE) and to the labour inspectorate. If their Index score is below 75 points, the company must implement corrective measures to reach at least 75 points within three years. The measures to be taken must be established within the framework of negotiations on professional equality, or in the absence of agreement, by unilateral decision of the employer and after consultation of the Social and Economic Committee. This decision must be submitted to the inspection du travail at the Direction Régionale des Entreprises, de la Concurrence, de la Consommation, du Travail et de l'Emploi (DIRECCTE). In case of non-publication of the Index, failure to implement corrective measures or inefficiency of the measures, the company is liable to a financial penalty of up to 1 per cent of its annual payroll.

# A review of France’s gender pay gap reporting system

## Legislative intent

According to Sylvie Leyre, the expert responsible for designing the Index, the idea is based on four principles: it had to be **simple**, because companies prefer policies that are easy to implement; it had to be **reliable**; it had to be **transparent** – it was important for the result to be published and available for everyone to see; and it needed to be a tool that allows for **progress verification**.

.....  
“The goal was...  
to create a tool  
able to measure  
the inequalities in  
salary between men  
and women and to  
monitor progress  
towards equality”  
.....

The goal was thus to create a tool able to measure the inequalities in salary between men and women and to monitor progress towards equality.

From the perspective of companies, the regulation was often seen as intending to provide “a clear and comparable illustration of the reality of the gender pay gap within companies” (Anonymous employer).

Chiara Corazza from the Women’s Forum for the Economy & Society saw it as aiming to increase visibility of gender inequalities by incorporating a “name and fame” element.

## Reported information

The information reported on the Index aims to bring **clarity and transparency** to the legal requirements in the French gender pay gap regime.

One of the main features of the Index is how it brings together a number of indicators beyond just the gender pay gap. This was welcomed by some stakeholders and opposed by others. According to its designer, Sylvie Leyre, the Index is quite comprehensive in its approach as it includes bonuses and performance shares as remuneration and it is also possible to identify the impact that part-time employment has on the pay gap. Many employers expressed their satisfaction that the French system goes beyond just wages and considers other question around equality and promotions. It was often highlighted by employers that the exercise is helpful as the indicators are very revealing of the dynamics within a company. Despite the number of indicators, a multinational employer (anonymous) said that the requirements in France are not more cumbersome than those elsewhere. Two interviewees (Sylvie Leyre and a multinational employer) both pointed to the inclusion of maternity leave in the indicators as being innovative as it is often excluded from gender pay inequality analysis. Sylvie Leyre said it was included to highlight it as one of the main causes of the pay gap.

However, a number of gender equality advocates criticised the indicator system. Rachel Silvera (Université Paris Nanterre) suggested that the inclusion of multiple indicators dilutes the impact of the actual wage gap on the final score of the Index. This is further obfuscated by the 5 per cent tolerance on

.....  
“There were cases where companies were taken to court for violation of gender pay equality legislation but had scored gender equality Index scores of more than 80.”  
.....

wage gap calculation, which is not at all justified. Michel Miné (Cnam) also noted that it was striking that a company can be in violation of the main gender equality laws in France and still have a very good score on the Index. In fact, there were cases where companies were taken to court for violation of gender pay equality legislation but had scored gender equality Index scores of more than 80. In addition, Rachel Silvera (Université Paris Nanterre) has suggested that it is quite possible for a company to have a bad score on the gender pay gap indicator and still have an excellent score of 80 on the Index. There are thus many limitations to how well the reported information on the Index reflects the actual gender pay gap dynamics within companies in France.

The Index requires companies to have at least 75 points (Rachel Silvera, Université Paris Nanterre). Although this pass or fail approach is appreciated by some, others argue that there is a risk in oversimplifying the results as such a limited approach can render systemic inequalities invisible (Vincent Arnaud Chappe, EHESS). In addition, some interviewees suggest that the score can be easily “played” – by just hiring a woman to a senior role it is possible to go from, for example, 64 to 76. So, companies just increase the salary of the top women rather than making structural adjustments (Rebecca Amsellem, Les Glorieuses). Another interviewee (Clotilde Coron, IAE Paris), suggested that companies can gain extra points by looking at maternity leave as being over a period of two years and then gain points twice for the same promotion. Furthermore, Rachel Silvera highlights that the criteria of a pay rise while on maternity leave is already a legal requirement, so companies should not get points for just respecting the law.

Other interviewees were happy with the overall indicator format but took issue with one of more of the indicators. The activist Rebecca Amsellem suggested that the indicators should show the overall ratio between lower and higher salaries, and should also consider women at all levels of decision-making, not just in the top 10 per cent. Interestingly, the Prime Minister mentioned in a recent webinar that talks are currently taking place to find a way of including the situation of women in the lowest wages in the calculations of the Index (NewsTank 2020). Yet, Gaëlle Proust, from the Banque de France, suggested that the focus on women at the top is justified as it tends to be more difficult for women to reach the very top positions because the process of promotion reflects the views of a special committee. Although this applies to promotions to director level, for instance, in lower positions the employer negotiates mostly with trade unions about pay, and career progression is more conventional. At the Banque de France, the approach is to go beyond the legal requirements to

ensure that the number of women in top positions is also considered in pay gap analysis.

On the question of age, a multinational employer (anonymous) has argued that the inclusion of age groups in the analysis can be problematic because there is an assumption that age measures seniority whereas that is not necessarily the case and ultimately this assumption could lead to age discrimination. This view was echoed by a second multinational employer (anonymous), who suggested that the age brackets can lead to slightly random shifts in the resultant gap as eg, a top earner moves into a new age bracket. It has also been argued that it can be difficult to calculate the Index as not all companies have the required data, for instance on professional categories (Clotilde Coron). Furthermore, some employers have suggested that the requirements conflate role with level, so it does not take account of such nuances.

## Compliance

Most interviewees agreed that there was fairly high compliance when it came to companies meeting their legal obligation to produce and publish the Index. Many interviewees referenced the figures on compliance levels since the Index began that were cited by the Prime Minister, Jean Castex, in a webinar on 5 March 2020.

.....  
“Companies with more than 1,000 employees... saw a 22 per cent increase in participation in the Index, jumping from a response rate of 55 per cent on 1 March 2019 to 77 per cent on 1 March 2020.”  
.....

For instance, there has been a clear improvement in companies with more than 1,000 employees – these companies saw a 22 per cent increase in participation in the Index, jumping from a response rate of 55 per cent on 1 March 2019 to 77 per cent on 1 March 2020. By comparison, 60 per cent of companies with 50 to 250 employees fulfilled their obligation to publish the Index by 1 March 2020. This was recognised as a good result for a first campaign, especially in the context of the Covid-19 pandemic.

It was often highlighted that the threat of the rather high financial penalty, coupled with the “name and shame” culture fostered by the media, constitute significant enough incentives to incite compliance. It was also argued that, given that in France the publication of the Index has a set deadline that applies to all companies, it allows for a good system of checks and balances in which the media plays a significant role (Valérie Hoffenberg, The Connecting Leaders Club).

Regarding the Index’s usefulness in tracking progress, interviewees often

cited the Prime Minister from the same webinar, where he stated that, among companies with more than 1,000 employees 17 per cent had a score below 75 points in 2019, whereas just a year later in 2020 only 4 per cent had a score below 75 points. This is good, in principle. Nonetheless, the Index results also show that 37 per cent of companies have fewer than two women in their top 10 salaries. Furthermore, 14 per cent of companies that published their Index in 2020 did not respect the obligation of adjusting the promotions of women on maternity leave in line with other promotions, as required by law (Loi n° 2006-340).

The challenge with assessing compliance from the perspective of the information published is that a company may be in serious violation of professional equality laws and yet have a good score in the Index, which in principle should be indicative of its performance in the basic aspects of compliance with the law. This has led both Rachel Silvera (Université Paris Nanterre) and Michel Miné (Cnam) to argue that, in fact, the Index contributes to obscuring the lack of compliance with other aspects of gender equality law and giving companies a sense of complacency. Many companies were reported to have celebrated the fact that they no longer had to put measures in place as the Index score is evidence that they had no gender pay gap issues.

.....  
“Many companies were reported to have celebrated the fact that they no longer had to put measures in place as the Index score is evidence that they had no gender pay gap issues.”  
.....

### **Enforcement, penalties and monitoring**

There is a significant penalty in place for companies that fail to publish the Index, or to pass the minimum score of 75 – up to 1 per cent of the company’s annual payroll. This is largely seen as an effective deterrent, however, in instances where the company does not attain the 75 point threshold, a period of three years is given to the company for it to comply with the law and get a score of at least 75. This has led Sylvie Leyre to argue that it is easy for companies to comply, and they only get fined if they want to. It was argued that companies have the choice of either complying with the law and working towards greater equality

in the workplace or they face a high fine. It is thus up to them where they decide to put their money. However, at this stage not enough time has passed to see whether these sanctions will in fact be implemented.

It was also repeatedly mentioned by interviewees that the reputational damage caused by being singled out by the press as non-compliant with the Index was also an effective deterrent (Valérie Hoffenberg, The Connecting Leaders Club).

Considering compliance with other gender pay equality obligations beyond the Index, Rachel Silvera (Université Paris Nanterre) suggests that while most trade union-employer agreements now emphasise professional equality,

these do not necessarily promote active measures, and the inspection officers are more interested in the existence of an agreement than its content and the appropriateness of the proposed measures. This was further emphasised by Michel Miné (Cnam), who argued that, from the perspective of labour inspectors, the focus tends to be on procedural aspects – ie, is there an agreement? Was it negotiated? Etc – rather than whether it addresses the substantial requirements of the law, – ie does it guarantee professional equality for women and men in the workplace? Hence why, as previously mentioned, companies may deem that they are complying with the law but when they are taken to court by employees, they might be found to be in violation of key requirements of the law.

## Transparency

The 2019 *Index de l'égalité professionnelle* brings transparency to the centre of the gender pay equality framework in France. Whereas previously, companies were only required to negotiate agreements, the Index requires companies to calculate and publish their score on their website. Considering that it is a score out of 100, it has been argued that it makes it very easy for anyone to interpret and understand. The score is deemed to be sufficient for some stakeholders, who argued that the rest of the detail is available to the key parties involved, such as trade unions (anonymous employer, Sylvie Leyre).

Other stakeholders felt that, while the score does give a first indication, there is a need for more detailed information to be made public (anonymous employer; Chiara Corazza; Michel Miné; Rachel Silvera). Michel Miné goes further and suggests that, in fact, having a single figure hides a great deal of what is really going on and whether companies are working with the spirit of the law on professional equality. Vincent Arnaud Chappe (EHESP) and Gaëlle Proust (Banque de France), pointed out that, from next year, companies will be required to publish more data – at least the scores for the five indicators, rather than just the overall result. Rachel Silvera (Université Paris Nanterre) also highlighted that the 5 per cent tolerance that is deducted from the final figure for the wage gap is not conducive to transparency, as 5 per cent is still a significant difference and so cannot simply be overlooked in a system that aims to eradicate, not just reduce, the gender pay gap.

A large multinational employer (anonymous) suggested that there was a certain degree of concern among employers about publishing their score on their website as it would have a direct impact on their reputation, with some pointing out that companies habitually publish their score in a very unaccessible and invisible section of the website. This means that companies who want to show off their score can place it very prominently, while others may easily hide it on an obscure page (Clotilde Coron, IAE Paris). The law should therefore be more specific about where the Index needs to be published on a company's website to avoid this ploy (anonymous employer; Clotilde Coron, IAE Paris). It was suggested that the government should propose a

search engine to look up how different companies score on the Index (Clotilde Coron, IAE Paris). Sylvie Leyre pointed to plans for the Index to be published on the website of the Ministry of Labour.

Trade unions are given access to the greater details about companies scores. However, some interviewees suggested that trade unions should be given more than just the data and that the methodology used for the calculations should also be disclosed (Clotilde Coron, IAE Paris; Michel Miné; Vincent Arnaud Chappe).

## **Employer size and sector**

Rebecca Amsellem (Les Glorieuses) pointed out that 85 per cent of companies in France have fewer than five employees and thus, a huge proportion of companies are excluded from participating in the Index by the 50+ employee threshold. Nonetheless, Vincent Arnaud Chappe (EHES) and others

---

**“85 per cent of companies in France have fewer than five employees and thus, a huge proportion of companies are excluded from participating in the Index by the 50+ employee threshold.”**

---

(anonymous employers) pointed out that, in France, a number of regulations start to apply to companies when they have 50+ employees and so this threshold fits in well with these other requirements. Furthermore, Sylvie Leyre suggested that, when designing the Index, they faced difficulties coming up with indicators that could apply to all companies irrespective of size and realised that the Index would not make that much sense for smaller companies. Ultimately, the size and sector decided upon was a matter of compromise against significant resistance.

Clotilde Coron (IAE Paris) agreed that it would not make sense applying the Index to smaller companies as the analysis would not be applicable. Others, such as Rachel Silvera (Université Paris Nanterre), suggested that if smaller companies were to be included, then the sanctions regime should not apply but instead further support should be given to them because smaller companies will not have legal departments and would find it more difficult to carry out the analysis. Other employers echoed that smaller companies could be included through a simplified regime, and that their inclusion would be a positive addition as smaller organisations often employ more women.

One employer (anonymous) maintained that, while ideally more companies could be included, a certain level of capacity is required for fully complying with the requirement of calculating the Index. Thus, if smaller companies had

less required of them it could work. Another employer suggested that the Index should not apply to companies with fewer than 200 employees because of the way smaller companies are organised.

Lastly, many interviewees pointed out that although the gender pay gap legislation in France does not apply to the public sector, there are likely serious problems pay equality issues within the sector as a whole (Rachel Silvera; Clotilde Coron).

### **What are the strengths of the French system?**

There is overt support among employers for the “elegant simplicity” offered by the single score made up from the different criteria provided to calculate the Index (two anonymous employers; Sylvie Leyre). The GPR system in France is thus seen as being effective because the results are not easy to skew. Others saw the main strength of the Index as being a means of starting conversations about equality, particularly between employers and trade unions (Michel Miné, Cnam). A further positive of the Index is that it draws attention to issues that are not usually discussed, such as maternity leave (Clotilde Coron).

Interviewees often that the Index succeeds in bringing increased accountability to companies – there is a perception that companies do care about their score and so at least they are trying to do something about it, whereas they perhaps wouldn’t normally (Clotilde Coron). Another major benefit of having a score is that it is easy to compare across companies (two employers; Rachel Silvera).

Looking beyond the Index to considering the wider mechanisms of gender pay equality in France, Vincent Arnaut Chappe (EHESS) and others argued that, although there are many benefits of building on the idea of collective negotiation for equality, in practical terms this simply is not working, as trade unions are becoming weaker with decreasing union participation (Cécile Guillaume, Surrey).

### **What are the weaknesses of the French system?**

Conversely, other stakeholders see the Index’s scoring system as a major weakness. Rachel Silvera (Université Paris Nanterre) even calls the Index “the tree which hides the inequalities”. It was often pointed out that a company can score 75 out of 100, yet still have serious problems of inequality.

Alarmingly, Rachel Silvera pointed out that the Index may be obscuring the level of inequality in France. Only 10 per cent of companies, and 4 per cent of big companies, have not reached the 75 point threshold, but we know that 90 per cent of companies have not achieved perfect gender equality, so it is safe to assume that a proportion of those companies with a “passing” score have failed to remedy their gender pay gap. Thus, while the Index does manage to start important conversations, it doesn’t actually achieve much in terms of remedying the gap. Michel Miné suggests that France is in a situation where



.....  
“While the Index does manage to start important conversations, it doesn’t actually achieve much in terms of remedying the [gender pay] gap”  
.....

there is a wage gap of around 25 per cent, but when we look at companies, we only see a gap of about 4 percent, and according to the Index, most companies are doing fine. While Sylvie Leyre argued that the idea was to create a system that was simple for companies to use, ultimately, it is perhaps so simple that it is unable to reflect the complexities associated with calculating gender pay equality.

According to Rachel Silvera, the false sense of accomplishment has even led the Labour Minister to claim that there is no gender pay gap issue in France. This view was corroborated by

Vincent Arnaud Chappe (EHESS) who saw the fact that it is relatively easy to score highly on the Index as actually undermining employer’s willingness to negotiate agreements with trade unions and take active steps to reduce inequality. Thus, it appears to be a simple mechanism which serves to undermine more substantive requirements of the law focusing on actually eradicating the gender pay gap.

Others contend that the lack of transparency is one of the major challenges of the Index, but one that is somewhat structural. Rebecca Amsellem (Les Glorieuses) suggested that this is a much wider cultural issue in a country where former presidents have been sentenced for corruption. It therefore comes as no surprise that certain companies will publish their Index score on an obscure page of their website, for example.

While the trade unions should be empowered to prioritise equality using this Index, they are not given sufficient information and so are not able to push companies to take action (Vincent Arnaud Chappe EHESS). Rachel Silvera and Michel Miné suggest that there is not enough scrutiny of the content of the agreements made between trade unions and employers. Michel Miné questions whether it is a good idea to leave the negotiations to the trade unions and employers, considering it is unclear whether trade unions are really motivated to address this issue, do not always prioritise it, and are not well trained on gender issues. Thus, it is not clear whether they are the best placed to argue on behalf of women (Vincent Arnaud Chappe). Furthermore, it is legally possible to negotiate and agree agreements with the trade unions to that renew every three or four years, as opposed to annually, thus weakening this part of the legislation.

Lastly, the Index does nothing to address big issues such as equal pay for work of equal value (Michel Miné; Rachel Silvera). According to Rachel Silvera, the Index is the “tree that hides the inequalities” as we only focus on the top level and not care about those who are at the bottom. This is “égalité élitiste” (Vincent Arnaud Chappe, EHESS); an elitist approach to equality. As argued by Rebecca Amsellem (Les Glorieuses), the issue is that the government is

.....  
“The Index focuses companies on increasing pay for the elite and high-level women, rather than addressing, for example, the low pay of the 80 per cent of medical workers that are women.”  
.....

only interested in “low fat feminism” and thus it is generally not interested in tackling structural issues. It focuses mostly on what looks good in the press and makes France seem progressive, when in fact the Covid-19 pandemic has emphasised the precarious situation in which many women in France, particularly women from poorer socio-economic backgrounds, find themselves. The Index focuses companies on increasing pay for the elite and high-level women, rather than addressing, for example, the low pay of the 80 per cent of medical workers that are women. Rachel Silvera strongly emphasised this point and suggested that there is very little in the Index that looks at part-time pay or the precarious employment of women. Instead, the focus is on

the very top, with further discussions about adding an additional indicator for women in leadership.

## How could France’s legislation be improved?

Chiara Corazza from the Women’s Forum for the Economy & Society argued that the Index could be improved by including minimum threshold to each indicator to push companies to improve their compliance levels.

Several different stakeholders also highlighted the need for the indicators to take important factors, like part-time employment, into account. Although the designer of the Index, Sylvie Leyre, stressed that it is possible for part-time to be taken into account within the current framework, it was often emphasised that more should be done to reflect this, as it is fundamental contributor to the gender pay gap.

Others have also highlighted that it would aid in transparency efforts if **more information** was available and if it was possible to perform **comparisons over time** (Gaelle Proust); and if information was more readily available to trade unions. In addition, it was suggested that there is no valid reason to maintain the 5 per cent tolerance in the calculation of the gender pay gap as it effectively means that if a company has a pay gap of 15 per cent, only 10 per cent will be accounted for and this is a significant omission.

Although it is constitutionally prohibited to collect data according to ethnicity, it was often noted that a more intersectional approach could be beneficial, particularly as it is already becoming standard practice among multinationals within the aims of ensuring diversity and inclusion within the company. Vincent Arnaud Chappe (EHESS) added that there are already several studies emerging in France where socio-economic factors are considered as well as questions of “origin” (or background) to apply measures of positive

.....  
“Although it is constitutionally prohibited to collect data according to ethnicity, it was often noted that a more intersectional approach could be beneficial”  
.....

discrimination (Rachel Silvera, Université Paris Nanterre). Hence social class, age, disability, and sexual orientation should also be considered. For Vincent Arnaud Chappe (EHESS), the question of the inability to collect information based on a person’s background is largely misunderstood in France. Not only it is possible, but it also has been happening for years, it just takes different approaches according to what is appropriate in the country’s cultural context. Conversely, others often highlighted that gender questions should be approached separately from questions of diversity more generally as no other factor is as transversal as gender and thus adding further layers only complicates matters.

## How else could the pay gap in France be targeted?

Michel Miné highlighted the important role that courts have historically played in the development of the gender pay gap framework in France and other European countries. Nonetheless, despite leading the way to increasing clarity in the application of the law, particularly relating to the principle of equal pay for work of equal value, it is essential to recognise the limitations of this framework as court cases are long, expensive, and difficult to endure. Furthermore, such cases come at a very significant personal cost to the women involved, even though it does pave the way to slightly better outcomes for women each time. The courts are a useful tool, but they are there as a last resort and the impetus should come from elsewhere in the system. Furthermore, trade unions are often not willing to support women taking large companies to court and, in some instances, women have attended court alone even though there was trade union representation within the company.

Given the success of the *Loi Copé-Zimmerman*, some have suggested that it would be relevant for it to be extended to also apply to COMEX companies (Valérie Hoffenberg, The Connecting Leaders Club). However, the Prime Minister highlighted that, considering that collectively these companies do not have legal personality, it is difficult to impose laws upon them as a group (NewsTank 2020).

Rebecca Amsellem argued for a feminist post-Covid-19 stimulus plan that puts women at the centre and recognises the structural inequalities they face. In line with this, it was often argued that a more holistic approach to gender pay equality requires better paternity leave policies (Rebecca Amsellem) with some arguing that, as a policy, paternity leave should be made compulsory for men because there is still a stigma around men taking paternity leave. Some men report being told off by male colleagues for suggesting that they would like to

take paternity leave to take care of their children (Valérie Hoffenberg, The Connecting Leaders Club).

## Overall perspective

Although many recognise the gains brought about by the Index in 2019, when it was brought in to complement an already vast array of legislation on gender pay gap in France, many more remain sceptical of its usefulness. Some employers believe that the Index created a new level of responsibility, beyond other requirements, to negotiate agreements with trade unions. Gaëlle Proust explains that it will take years to really address the gender imbalance at the top-level jobs, as seniority is still an important consideration in promotions.

Activists tend to be critical of the Index as an approach to tackle the gender pay gap, with Rebecca Amsellem calling it “low fat feminism” as it fails to

---

“Some men report being told off by male colleagues for suggesting that they would like to take paternity leave to take care of their children”

---

go to the heart of the issue. It is mostly about making powerful people feel good about themselves without actually changing things for most women. It is reflective of an elitist approach to equality (Rachel Silvera; Vincent Arnaud Chappe) and thus it is not fit for purpose. Clotilde Coron suggests that the Index reduces the idea of equality down to indicators, so it limits it, particularly as it is easy to attain a good score. Rachel Silvera and Michel Miné agree that the Index is “the tree that hides the inequalities” as it does not account for structural issues, and it is quite easy to manipulate the score. Ultimately, the Index is a distraction as it takes the emphasis off all the other existing equality measures and laws, which are much more relevant to bridge the gap.

# Conclusion

France has a vast collection of laws that have tried to address the gender pay gap question at different points in time. Although successive governments have pledged to eradicate the gender pay gap within a rather short period, it persists; an indication of how much its complexity is underestimated. Considering that the country, as much of the world, has an institutional legacy which discriminated against women and assigned to them the role of mothers and carers, it will take a very holistic approach to bridge the gender pay gap in France. Addressing structural issues such as the **overrepresentation of women in part-time employment, insufficient parental leave** and the **low value attributed to “feminised labour”** is often highlighted as key to making a difference, yet these problems are stubbornly persistent despite decades of legislation.

The latest contribution to the assortment of gender pay gap legislation in France was the Index, introduced in 2019. Many have argued that its strength lies in the simplicity of presenting a single score that helps companies compare progress against each other. Others have emphasised that its greatest failing is that it hides persistent gendered wage inequalities and gives companies a false sense of compliance with the law. However, other laws remain applicable and enforceable and thus the Index can be seen as an additional instrument that is hopefully contributing to some progress in the struggle for the equality of “*le deuxième sexe*.”

## Key suggestions

- ♦ The Index as a tool should be revised to: ensure the point scoring system is reflective of **action**; better reflect the **overrepresentation of women in part-time work**; bring visibility to lower pay; and reflect the obligation of companies to apply the principle of **equal pay for work of equal value**.
- ♦ Trade unions play a critical role in the process of negotiating agreements. The principle that companies can negotiate with trade unions to **reduce the frequency of negotiations** from annually to every three to four years should be revisited. It should not be possible to reduce the protection offered by the law through negotiation.
- ♦ **Smaller companies** should be included in an appropriate reporting obligation mechanism, albeit with lesser requirements than bigger companies.
- ♦ The **public sector** should also be included as it is a big employer in France and there are suggestions that there are quite a few structural inequalities embedded in the system. Including the public sector would not only increase transparency, but would also signal the government’s commitment to eradicating the gender pay gap at all levels.

# Case study: South Africa



**03**

# Introduction

South Africa has a unique approach to gender pay gap reporting. In the context of a country where pay gaps are most pronounced along racial rather than gendered lines, the emphasis is intersectional. The pay gap question is approached through the constitutional principle of non-discrimination with the intention of eradicating direct discrimination more generally, rather than focusing exclusively on discrimination based on gender/sex. It is this aspect that sets the South African approach apart from other systems examined in this report. Interviewees often emphasised that the current system takes inspiration from models that focus on remedying pay differentials, rather than addressing gender representation within organisations.

---

“It was often highlighted in interviews that, although the gender paradigm remains important, there is a more urgent focus on addressing pressing discrimination and lack of opportunity issues based on race and ethnicity”

---

Considering the violent and racialised history of the nation, it was often highlighted in interviews that, although the gender paradigm remains important, there is a more urgent focus on addressing pressing discrimination and lack of opportunity issues based on race and ethnicity. Interviewees consistently stressed that the specificities of the South African context had to be taken in consideration when drafting legislation, rather than adopting “copy and paste” approaches from European or western gender pay gap reporting regimes.

# Background

3rd

in the 2019 Africa Gender Equality Index

18th

in the Global Gender Gap Index

Woman hold

46%

of National Assembly seats

Woman-headed households are

40%

than male-headed ones

South Africa is often considered a champion of gender equality in Africa, ranking third place after Namibia and Lesotho in the 2019 Africa Gender Equality Index, having been the highest performer in 2015 (African Development Bank Group 2019, 2015). In the recent 2021 Global Gender Gap Index, South Africa is ranked in 18th place (out of 156), with a high performance in the domain of political empowerment (rank 14). This reflects the fact that women hold 184 of the 400 seats (46 percent) in the National Assembly (International IDEA 2021). In terms of educational empowerment, girls in South Africa are now completing secondary school at a higher rate than boys (ADB 2019). Even the share of women in managerial positions has been increasing, from 19 percent in 1994 to 36 percent in 2015 (Mosomi 2019).

However, women still face troubling socio-economic conditions. Over a third of households are headed by women, and these households are around 40 percent poorer than male-headed households (Bosch & Barit 2020). The quality of women's employment remains low as they tend to be concentrated in precarious, low-paid, and informal employment (Statistics South Africa 2021; COSATU 2019; Oxfam South

Africa 2020). Since the 2008 financial crash, women's unemployment rate has remained higher than men's, with only a third of women employed compared to over 45 percent of men (OECD Stat 2021). Paired with patriarchal attitudes, the gender disparities in socio-economic conditions help explain the high rates of domestic violence and rape in the country – a crisis exacerbated by the Covid-19 pandemic (Dlamini 2021).

Examining the gender pay gap, the ILO (2019) found that, in 2017, the median gender pay gap in South Africa was **26.1 percent** based on hourly wages compared to a global median of 16.6 percent. As in other countries, recent

studies attribute the gender pay gap to **occupational segregation** (Gradín 2018; Mosomi 2019), the **structural undervaluation of women's paid work** (Budlender 2019), and the burden of unpaid work on women (Oxfam South Africa 2020).

“While gender equality overall might seem relatively high in South Africa, there are stark racial inequalities behind those figures”

While gender equality overall might seem relatively high in South Africa, there are stark racial inequalities behind those figures. South Africa exhibits the highest level of overall wage inequality among low- and middle-income countries (ILO 2019) as a result of systemic



inequalities and discrimination. It is black women who tend to occupy the lowest economic rungs in South African society. According to Oxfam South Africa (2020), job opportunities are less accessible to black South Africans, partially explaining why women are frequently channeled into low-quality work. An ITUC report in 2012 identified South Africa as having one of the largest “unexplained” gender pay gaps (Tijdens & Van Klaveren 2012). This is likely due at least partly to class and racial differences. These persistent direct and indirect racial and gender disparities clash with the formal prohibition of unfair discrimination on part of the state or individuals outlined in the South African Constitutions’ *Bill of Rights*, discussed in more detail below.

---

“South Africa exhibits the highest level of overall wage inequality among low- and middle-income countries (ILO 2019) as a result of systemic inequalities and discrimination”

---

The *Broad-Based Black Economic Empowerment Act 53 (BBBEE)* was introduced by the government as a complement to the *Employment Equity Act* to further redress the deeply entrenched inequalities resulting from colonialism and dispossession during apartheid. It aims at targeting inequality more generally as it seeks to create a more inclusive economy by encouraging an increase in business ownership, managerial control and representation, and skills development of black South Africans. Additionally, spending is encouraged to offer socio-economic support and labour market access to black communities in rural and underdeveloped areas (Government Gazette 2004).

The Act seeks to provide preferential procurement, and supplier and enterprise development to black-owned and controlled businesses. Economic incentives are created to encourage businesses to commit to the BBBEE programme and businesses can increase their BBBEE status by meeting set targets on a scorecard (for more details see Makgetla 2021). Although the BBBEE does not include reporting on remuneration or wage inequality, through addressing wider structural such as race discrimination, it is likely to contribute to reducing the intersectional elements of the gender pay gap. Furthermore, it offers extra “points” to companies that engage with black female-owned business, thus it does not seem to be gender-blind.

---

“The Act seeks to provide preferential procurement, and supplier and enterprise development to black-owned and controlled businesses”

---

The *King IV Report on Good Governance* from 2016, with which companies listed on the Johannesburg Stock exchange must comply, contributes to efforts on wage gap data collection. The code requires

company boards to sign off a report on its remuneration policy, confirming its pay system is fair and transparent, and disclose remuneration paid to its directors (Institute of Directors Southern Africa 2016). Bosch and Barit (2020) note that although the code is not directly concerned with uncovering gender differences, the data could be drawn on to identify and analyse gender pay gaps among directors.

# Gender pay gap reporting in South Africa

In South Africa, gender pay gap reporting is embedded within an intersectional approach to remuneration gaps. Thus, instead of focusing exclusively on gender, the approach is to report pay differentials based on gender within a broader anti-discrimination framework. Given that the racialised and discriminatory apartheid regime only began to be dismantled thirty years ago, the emphasis remains on addressing discrimination on any basis and closing racial and ethnic disparities.

“Given that the racialised and discriminatory apartheid regime only began to be dismantled thirty years ago, the emphasis remains on addressing discrimination on any basis and closing racial and ethnic disparities”

The end of apartheid was followed by the establishment of the Constitution of the Republic of South Africa in 1996 with one of the founding values including “non-racialism and non-sexism”. Further, its *Bill of Rights* prohibits unfair discrimination (both direct and indirect) on part of the state or individuals on gender and sex, alongside other protected characteristics such as race, ethnicity, disability, religion, or sexual orientation (South African Government 2021). Additionally, South Africa ratified the ILO’s 1951 Equal Remuneration Convention in 2010, prohibiting pay discrimination on the basis of sex. Finally, the *Promotion of Equality and Prevention of Unfair Discrimination Act* (PEPUDA) was implemented in 2003, offering protection against unfair discrimination, including on the basis of gender. Further, the Act stipulates a duty to eliminate gender discrimination within the workplace and beyond. This responsibility must be met through auditing, appropriate laws and policies, codes of good practice and instituting action plans.

A further crucial piece of legislation with a wider application than PEPUDA (See Bosch & Barit 2020; Cooper & acLagrange 2001 on the application), the *Employment Equity Act No 55 of 1998* (EEA), came into force in December 1999 and was amended in 2013 with the aim of prohibiting and preventing direct discrimination in the workplace. Besides targeting racial inequalities, the Act seeks to promote gender pay equality, and equal pay for work of equal value by requiring designated public and private employers to promote gender equality through a number of reporting duties. The Act defines designated employers as:

- a. employers with a minimum of 50 employees;
- b. employers with fewer than 50 employees but a total annual turnover equal or above that of a small business, defined by Schedule 4 in the EEA<sup>1</sup>;

<sup>1</sup> Amendments to the EEA are in the pipeline that would remove the turnover requirement.

- c. a municipal authority;
- d. an organ of state, excluding the National Defence Force, National Intelligence Agency and South African Secret Service;
- e. an employer appointed a designated employer through a collective agreement according to the *Labour Relations Act 66 of 1995* (Section 23 or 31).

Section 21 of the EEA includes a duty for designated employers to submit an annual report using Form EEA2 on their workforce profile, “workforce movement” (ie recruitment, promotion, termination), skill development, and numerical goals and targets. Further, companies must indicate whether the annual report was completed in consultation with a consultative body/ employment equity forum, registered trade union(s) and/or employees. The EEA2 form must be submitted to the Department of Labour and can be requested by the public.

In addition to the annual report, which excludes data on remuneration, Section 21 of the EEA also requires designated employers to provide an Income Differential Statement (Form EEA4). These statements are not publicly available - although they can be requested by the relevant bodies for collective bargaining purposes (Bosch & Barit 2020), and must be submitted to the National Minimum Wage Commission – recently taken over from the Employment Conditions Commission –, which is prohibited under the EEA to disclose any data on individual employees. The Labour Court can issue fines for non-submission with a maximum of ZAR1,500,000 or 2 per cent of turnover (Bosch & Barit 2000), and order compliance with any provision of the EEA, including the Income Differential Statement.

Form EEA4 includes information on the number of permanent and temporary employees, and their fixed/guaranteed, variable and total remuneration in each occupational level in terms of population group (ie race, ethnicity, nationality) by gender. Furthermore, employers must provide data on the median income, average annual remuneration of the top and bottom 10 per cent of earners, and the vertical pay gap between the highest and lowest paid employee, yet this information is not disaggregated by gender. Overall, therefore, company comparisons of gender pay gaps within and across occupations and wage levels cannot immediately be made in the conventional sense, although the form facilitates the collection of intersectional data (Bosch & Barit 2020). Finally, the form includes a section in which employers must provide “reasons for income differentials” across the occupational and wage levels, but again these do not necessarily need to be made in reference to gender, racial, ethnic or nationality differences (Bosch & Barit 2020).

A designated employer whose Income Differential Statement reflects unfair discrimination or disproportionate income differentials must take measures to progressively reduce the differentials, subject to guidance that may be given

by the Minister of Labour. Measures may include: collective bargaining; compliance with sectoral determinations; applying norms and benchmarks set by the National Minimum Wage Commission; relevant measures contained in skills development legislation; and other measures that are appropriate in the circumstances. In the case of alleged unfair pay discrimination, the employee who has been affected may bring an unfair discrimination claim against the employer in terms of Section 6(4) of the EEA. If successful with such a claim, the employer may be ordered to equalise the employees' remuneration, and/or may be ordered to pay damages, and/or compensation. Bosch and Barit (2020), however, point out that this individualised process is costly and complex, calling into question the mechanisms for holding employers to account.

# A review of South Africa's gender pay gap reporting system

## Legislative intent

The pay reporting obligation in South Africa is covered by the EEA. Interviewees often celebrated the fact that the EEA is based on the overarching principle of anti-discrimination, derived from the post-apartheid constitutional framework. The South African constitution of 1996 is of seminal relevance as the foundation for all other frameworks guaranteeing equality, including pay equality within the workplace.

Interviewees often highlighted that although gender is important, the focus is on addressing more pressing discrimination and lack of opportunity issues based on race and ethnicity. The EEA is thus, specifically written to not just consider the question of gender but instead recognise all intersections of inequality which are central to the question of discrimination in the workplace (Anita Bosch, University of Stellenbosch Business School).

## Reported information

In assessing the adequacy of the information required to report on the Income Differential Statements (Form EEA4), some employers (Baker McKenzie and PwC) noted that the information reporting criteria was not clear in specifying the evaluation model used to calculate parameters such as shares. For instance, there is a lack of guidance on the procedures for calculating the “vertical gap” in pay (ie, how many times higher the pay of the highest paid is compared to the lowest), how the highest paid is defined and whether the highest paid should be determined by including share ownership.

It was also often highlighted that the requirements seem to focus more on capturing data on occupations rather than pay as companies report by occupation to highlight how people are employed. It is essentially interested in identifying who gets employed, who gets promoted, as well as various intersectional aspects of the workplace. It also includes a distinction between South African and foreign nationals.

## Transparency

Given that companies are required to submit *Income Differential Statements* to the National Minimum Wage Commission, employers often question the logic of having such a requirement if the data is not subsequently made available. The consequent lack of transparency was often highlighted by many stakeholders as a key limitation of the current framework, as it was claimed to undermine accountability.

Neva Makgetla (TIPS) argued that a main challenge is that the departments that deal with the submitted data do not tend to be particularly good at presenting the statistics and thus it is hard to tell how reliable the data would be over time. Most interviewees argued that it would be possible to better coordinate with Statistics SA to improve the reliability of data.

The fact that trade unions do not get access to the information unless this is negotiated within the context of collective agreement was argued to deepen distrust in the system. It was often argued that there is little sense in imposing a very rigid framework of data collection but then not developing the capacity to monitor and perform quality assurance.

Anita Bosch (University of Stellenbosch Business School) pointed out that the lack of publicly accessible statements results from cultural sensitivity against disclosure and contractual non-disclosure clauses in the country. Furthermore, there is little confidence in the robustness of the data, thus, before such data can be published, trust in the system must be cultivated for better transparency to be supported.

An activist pointed to an alternative approach, that transparency brings accountability and thus ultimately the data should be published because the

---

“[Privacy wages are] fundamentally about ‘privileged people protecting their privilege and acting as if people demanding their rights [to equal pay] are somehow a threat to them’.”

---

more it is published the better its quality and reliability will be. It creates a renewed sense of commitment to the cause. The idea of privacy of wages is seen as bad for women. Neva Makgetla (TIPS) argued that although some suggest that it would be dangerous, this is fundamentally about “privileged people protecting their privilege and acting as if people demanding their rights [to equal pay] are somehow a threat to them.”

It was often argued that there is scope for companies to play their part by voluntarily disclosing information and making it publicly available. However, the extent to which this might help build trust and improve transparency may be limited, especially given the lack of monitoring and quality control. Further, one expert’s comments cast doubt on the willingness of companies to voluntarily disclose income differential statements as it might be seen to contain sensitive data.

## **Compliance, enforcement, penalties and monitoring**

There was little faith expressed by our interviewees in compliance, enforcement, or the application of penalties, especially given that the infrastructure for ensuring labour regulations is generally insufficient. For example, two experts pointed to a shortage of labour inspectors, who are usually also regionally unevenly distributed – an issue also causing significant difficulties in ensuring compliance with the national minimum wage legislation.

One of the main challenges is also that it is not possible to have an awareness of compliance levels, as stakeholders are not granted access to the data collected.

---

“There was little faith expressed by our interviewees in compliance, enforcement, or the application of penalties, especially given that the infrastructure for ensuring labour regulations is generally insufficient”

---

As there is no public reference to the data or to actions being taken for lack of compliance, it leaves companies with little incentive to commit to providing reliable data in the statements.

It was often highlighted, however, that sanctions in the context of South Africa would not be effective as companies do not have enough guidance and more should be done to develop awareness and to foster a change of attitude in society before sanctions are imposed. This was seen by a big multinational employer as particularly pertinent as in South Africa, where there are structural corruption issues and thus companies would simply find a way around the sanctions.

## Size and sector

The current minimum threshold of 50 employees was generally deemed an appropriate figure. Further, Gilad Isaacs (Institute for Economic Justice) argued that lowering this threshold was not considered a priority, as the extension of the requirement would not add more informative value as long as quality control remains such a problematic issue.

Further, Johan Botes (Baker McKenzie) and Anita Bosch (University of Stellenbosch Business School) questioned the capacity for companies with less than 50 employees to follow through on the reporting duty, as the administrative burden requires specialised employees.

## What are the strengths of the South African system?

The intersectional approach of the EEA framework was considered a key strength of the South African framework. Johan Botes (Baker McKenzie) argued that the current framework also sets a good precedent for affirmative action within the current laws. In addition, one of the experts (Neva Makgetla) noted that the EEA framework facilitates a diagnosis of wage inequality, but further measures are required to better understand what is causing the problem.

BBBEE was also suggested as a useful lens through which to address the gender pay gap in South Africa as it is seen as much more successful measure. Bosch argued that companies have utilised this because it is through the scheme of the points system, based on black economic empowerment, that they can get access to public contracts. However, only two out of the 100 points available in the system go towards the number of black women on a board. In any case, it was argued



that there has been a marked increase in the number of black women on boards, if not a broader movement towards increasing the overall number of women on boards.

### **What are the weaknesses of the South African system?**

Gilad Isaacs (Institute of Economic Justice) considered the EEA a “blunt instrument” to address wage inequalities, critiquing the lack of transparency and the underutilisation of the reported data. Moreover, the lack of transparency and monitoring was often raised as a central shortcoming of the system, undermining trust, and accountability. It was said that the biggest issue is that South Africa just copied the Canadians without much reflection about the capacity to do the oversight.

Both an employer and an activist further mentioned that there is a lack of political will and interest in improving (gender) pay transparency. The feminist movements in South Africa were often said to focus more on questions of gender-based violence, the minimum wage, and improving the labour

.....  
“The gender pay gap is often seen as promoting equality for women in elites who are already privileged”  
.....

conditions of women in precarious situations. The gender pay gap is often seen as promoting equality for women in elites who are already privileged, as the focus was argued to be placed on looking at pay differences at the top and bottom of the wage scale. With gender disparities greater at the top, this means the pay gap focus is at the top. Further the legislation does not include any requirements for setting goals or targets to improve gender and diversity in the workforce composition and “workforce movement”.

Although BBBEE complements the system, as it is seen as proactive rather than reactive, the issue is that there are not enough points being given to equity, as opposed to business ownership. Employment equity should be key to ensure mobility for lower-level workers. The Act gives higher incentives for people to come into management, so it does not help the average worker. The issue of being able to move from being a lower-level cleaner or nurse is not considered within the current framework. This Act does not promote career development at the lower levels.

### **How could South Africa’s legislation be improved?**

Unsurprisingly, one of the key suggested aspects of improvement was to address the lack of transparency. It was argued that the data should be made publicly available, or at least published in companies’ annual reports. Additionally, the development of a public index or tool to compare companies was mentioned to increase accountability.

Further, an employer argued that the development of a standardised system that can assist smaller and medium-size employers in compiling and analysing the data could assist companies in ensuring the quality of their data and understanding internal pay inequalities.

It was also suggested by an employer that gender and diversity targets ought to be made mandatory, with a particular focus on addressing gender discrimination in promotion and representation, as the current focus on pay differentials at the top obfuscates structural inequalities.

### **How else could the pay gap in South Africa be targeted?**

Gilad Isaacs (Institute for Economic Justice) posited that the minimum wage is as important in the context of South Africa. However, it is not being enforced properly. Furthermore, more emphasis needs to be put on unionisation, which is low, and particularly so in the female-dominated textile sectors and domestic settings.

An economist and an activist argued that the current mechanism just requires a more institutionalised approach to make it work. There is no need to pass amendments or new laws. It is more important that social movements mobilise in this question to push for increased accountability. This was echoed by Anita Bosch (University of Stellenbosch Business School), who argued that to bring yet another alternative piece of legislation may cause a further administrative burden that is not justified. In her view the changes to the *Companies Act* are already sufficient for now.

PwC suggested that regulating in a standard way to report on salary variation would be helpful, as would making targets for action mandatory. They suggested that it is important to address the question of representation first, as this would mean tackling the issue at its roots and examining the financial reward of very few women in senior roles is looking at the issue from the wrong end.

---

“it is important to address the question of representation first, as this would mean tackling the issue at its roots and examining the financial reward of very few women in senior roles is looking at the issue from the wrong end”

---

Neva Makgetla (TIPS) argued that it is important to consider labour market dynamics to analyse pay according to race and gender over time to be able to identify the causes of the gaps.

Both an academic and an employer highlighted that the *King Code of Corporate Governance* is also helpful, even though it consists of mostly recommendations.

It was argued that although it is a principle-based document, it is important because there is a requirement to comply with this code in order to be listed on the stock exchange. According to Johan Botes (Baker McKenzie) the code creates incentives for business to drive transformation within commerce. This could be complimented by further measures encouraging business to bring more women into the workplace.

## Overall perspective

There was consensus on the fact that in South Africa it does not make sense to talk about women as if they were a homogenous group. Such an approach would lead to significant unintended consequences in a country where there is vast inequality between women. Therefore, any attempt to isolate the experiences of women as one social category would be unjust, as such approaches would essentially benefit more privileged women. For example, it

.....  
“ A colour-blind approach would disregard the fact that while most white women have degrees, only 10 per cent of black women are in that position.”  
.....

was argued that a colour-blind approach would disregard the fact that while most white women have degrees, only 10 per cent of black women are in that position.

The **lack of transparency and monitoring** was often highlighted as one of the main limitations, with a direct impact on its perceived utility and the accountability of the stakeholders involved. Our interviewees frequently said that it appears to be a pointless exercise as there is hardly any reference to the data collected and there is a lack of enforcement and auditing to ensure the quality and reliability of the data.

More specifically on the limitations of the current system, it was often argued that it is **too rigid** and **not enough guidance** is provided on how to perform important remuneration calculations.

Other complementary frameworks which do not directly address the gender pay gap, such as the *King Code of Corporate Governance* and the BBBEE, were seen as more successful to bring accountability to firms in terms of representation.

# Conclusion

.....  
“The promotion of the principle of non-discrimination in South Africa does not conceptualise gender pay inequality as the most pressing issue that companies need to focus on.”  
.....

Although South Africa is the only country in Africa with a framework that requires companies to submit remuneration data based on gender, it is unclear whether gender pay equality is a priority in the country. The *Constitution of 1996*, which emerged as a political compromise in the aftermath of the apartheid regime laid the foundations for an intersectional approach to equality, based on the principle of non-discrimination. Thus, as it was often argued in our interviews, although gender remains an important component of inequality, given the reality of the society in question, gender must be considered secondary to race. Therefore, the promotion of the principle of non-discrimination in South Africa

does not conceptualise gender pay inequality as the most pressing issue that companies need to focus on. Instead, the legislator opted for an approach that does not respond to international pressures of putting gender at the centre of equal pay legislation but addresses the question of pay inequality more holistically.

Among our interviewees, there was a consensus that to do otherwise would result in women who have already been historically advantaged by the system to gain more privileges whilst reinforcing the marginalisation of black women who are too often at the bottom of the social pyramid in South Africa.

Interestingly, the current model exceeds the remit of most gender pay gap reporting regimes by including **employers with less than 50 employees** with a total annual turnover equal or above that of a small business, defined by Schedule 4 in the EEA. The pay gap reporting regime also **includes the state as an employer as well as local authorities**, thus recognising that pay gaps can occur within the public sector. This further reinforces the argument that in the context of South Africa, wage gaps are considered holistically and efforts to tackle them are not limited to the private sector.

The main limitations identified by our interviewees are concerns around **transparency, accountability, and enforcement**, as well as the **lack of guidance** on how to calculate different types of remunerations. There was a general agreement that a great deal more could be done to improve the framework. There were some concerns expressed about the possibility of publishing data due to its lack of reliability, but it was generally argued that transparency increases accountability.

Recognising that in the South Africa, race supersedes gender as a factor for discrimination, it was often mentioned that initiatives such as the BBBEE directly contributed to increasing the participation of women in the business world. This question of representation was often highlighted as key to the success of any gender pay gap framework as there can be no equality if there

is no representation. Furthermore, it was highlighted that the majority of gender pay gap frameworks in existence are found in high income countries and would benefit from the insights gained from the development of the South African approach, which highlights the importance of bringing intersectionality, representation, and diversity to the centre of the gender pay gap agenda.

## Key suggestions

- ♦ Make the EEA4 forms disclosing employer's wage differentials **publicly available and accessible**.
- ♦ Develop **prescriptive and clear guidelines** on how to calculate the required information in EEA4 to increase the reliability of reported data.
- ♦ Invest in **improving trust and accountability** through the creation of a special task force working in collaboration with the National Institute of Statistics.
- ♦ Bridge the gap between the EEA and the BBBEE to create an instrument that tackles the gender pay gap while simultaneously pushing for **increased representation of women in the workforce**.
- ♦ A reconceptualisation of work to recognise **"equal pay for work of equal value"** needs to be introduced into the framework to ensure that women's work is not being undervalued, something that further contributes to the marginalisation of women in low paid work.
- ♦ Further **reinforcement of minimum wage legislation** is also fundamental to ensure that gender pay equality is not perceived as elitist.

# Case study: Spain



**04**

# Introduction

Top 10  
in the WEF Global Gender  
Gap Report

47.4%  
of seats in the Spanish  
Congress are held by  
women

Women are  
8.4x  
more likely than men to  
work part-time to be  
carers

57%  
of women are active in  
the labour market

In 2020, Spain hit the headlines for making it to the top 10 of the World Economic Forum (WEF)'s Global Gender Gap Report (Forbes 2019). This success was seen as a recognition of its commitment to fighting gender discrimination in social, political, and economic spheres. In addition, the Spanish Congress became the most gender equal in the European Union (EU) with a 47.4 per cent share of women (166 deputies out of 375) after the 2019 April elections. However, just a year later, the jubilation about reaching the top 10 proved short lived as the impact of Covid-19 exposed the underlying vulnerability of women in Spanish society due to a legacy of structural inequality (WEF 2021).

Gender inequality is intrinsically linked to labour market participation. While in 2018, 57 per cent of women in Spain were active in the labour market (CEOE 2019), there are significant gaps. For instance, the percentage of those in part-time employment, but seeking full-time work, is higher in Spain (53.6 per cent) than in the rest of the EU (22.2 per cent) (CCOO 2021). For every man who works part-time, there are 3.5 women. Further, there is also a gender gap in relation to leaves of absence for childcare, where 92 per cent are requested by women. For every man working part-time to care for children or disabled

adults, there are 8.4 women (ClosinGap 2021).

The gender pay gap in Spain has reduced significantly, from 32.8 per cent in 1995 to **23.3 per cent** in 2014, but it is still substantial (Instituto de las Mujeres 2015). The most recent data on the pay gap, based on salaries declared in the Income Tax Return, showed a difference of **22 per cent** between the average annual salary of men and women in 2019. The impact of the gender pay gap is reflected in the fact that the average public pension for a woman, including all contributory pensions, is **€740.2**, compared to the average of € 1,162.3 received by male pensioners (ClosinGap 2021).

.....  
“The *Central Sindical Independiente y de Funcionarios* (CSIF) currently estimates the gender pay gap to be above 23 per cent representing a regress to 2013 levels”  
.....

The Covid-19 pandemic has contributed to the widening of the wage gap for women. The *Central Sindical Independiente y de Funcionarios* (CSIF) currently estimates the gender pay gap to be above 23 per cent representing a regress to 2013 levels. Job losses continue to hit women the hardest, with an unemployment rate more than **4 percentage points higher** for women than men (CCOO 2021).

Although the first law directly targeting the gender pay gap dates from 2007, compliance levels remained low, and it has only been in the last couple of years that new laws and amendments have been passed. Thus, it remains to be seen how effective these will be in bridging the gender pay gap in Spain.



# Background

.....  
“The drive for equality has been shaped and influenced by both demands from the civil society and a need to respond to international pressures”  
.....

In just over three decades, Spain has witnessed the progressive institutionalisation of gender equality initiatives. The instruments have varied from the introduction of anti-discrimination laws and the creation of gender units to more targeted tools, such as the legal requirement for employer Equality Plans and other public policies that aim to bridge the gap. The drive for equality has been shaped and influenced by both demands from the civil society and a need to respond to international pressures.

.....  
Although society is changing and demands for equality are growing, the legacy of Franco’s dictatorship has had a lasting impact. The dictatorship imposed a model of society with rigid gender roles regulated by civil legislation, which excluded women from numerous activities (Ortiz Heras 2006). For instance, the 1938 Labour Code stated: “the state shall prohibit women to work at night, regulate domestic work and free married women from the workshop and factory”. The 1942 *Ley de Reglamentaciones*, made it compulsory for women to leave work upon marriage as they were prohibited from registering as workers at employment offices unless they were unmarried or separated, had disabled husbands or were heads of households who supported their families through their work (Ortiz Heras 2006, Espuny Tomás 2007).

The process of change began in 1961 with the *Ley de 22 de Julio*, which prohibited all forms of labour discrimination based on sex, and specifically wage discrimination, but it was only after 1975 with the restoration of democracy that social policies began to shift through a process of institutional and legislative modernisation. This culminated in 1978 when the constitution explicitly recognised equality between women and men and reversed discriminatory legislation. Subsequently, the 1980s saw the emergence of “institutional feminism” in Spain and the *Instituto de la Mujer* (Women’s Institute) was created in 1983 to fight gender inequality at the national level (León 2014). However, despite the institutional and political drive to facilitate women’s entry into the labour market, high levels of unemployment formed a major barrier to equality (León 2014).

The 1990s saw the consolidation of the institutionalisation of gender equality policies through programmes such as the *El Segundo Plan de Oportunidades* 1993-5, which aimed at widening the scope of action by considering for the first time the impact of the “double burden” on women’s career choices and recognising the importance of work-life balance. An important step was also taken through the 1994 *Ley 42/1994*, which applied the 1992 *EU Directive 92/85/CEE* on the protection of pregnant and breastfeeding workers. The most important shift, however, was the recognition of maternity leave as a specific

contingency that required its own regulation, rather than considering it sick leave, extending the period of leave and the amount of pay.

In 2007, a pivotal law was passed addressing the gender pay gap more specifically and establishing the principle of mainstreaming a gender approach in public policies. The *Ley de Igualdad 3/2007*, required private entities to produce Equality Plans with the aim of achieving equality between women and men in the workplace. However, a year later in 2008, “austerity” policies adopted in response to the economic crisis resulted in equality policies being deprioritised. Thus, despite the mobilisation of civil society, there were significant limitations to the implementation of this legislation.

In recent years, pressure from both civil society and the international community has led to a series of reviews and new legislation being passed since 2019. In Spain therefore, the current legal framework emerges as a political compromise which engaged actors such as trade unions and private sector representatives in dialogue with the government.

# Gender pay gap reporting in Spain

The current legal framework is based on the *Ley de Igualdad 3/2007*, which requires private entities to produce Equality Plans. Article 46.1 conceptualises Equality Plans as “an ordered set of measures, adopted after undertaking an assessment of the situation within a corporation or company, which aim to achieve equal treatment and opportunities for women and men, and to eliminate gender discrimination”. Equality Plans must stipulate specific equality objectives to be reached, strategies and practices to be adopted to attain these, as well as effective monitoring and assessment systems.

For this purpose, the law stipulates that in every plan the company must ensure that equality is attained in the following areas:

- Selection and recruitment process
- Job classification
- Training
- Career advancement
- Working conditions, including an equal pay audit
- Co-responsible exercise of the rights to a personal, family and work life
- Underrepresentation of women
- Remuneration
- Prevention of sexual and gender-based harassment

The law was applicable to companies with 250 or more employees and public sector employees with non-standard contracts; however, the *Real Decreto-Ley 6/2019* extended its application to all companies with 50 or more employees, gradually increasing to include those with between 250 -151 employees by 7 March 2020, those with between 150-101 employees, before 7 March 2021, and all those with between 100-50 employees by 7 March 2022.

The RD-Ley 6/2019 defines, for the first time in the Spanish legal system, the concept of equal pay for work of equal value. It also establishes the presumption that there is a prima facie case of discrimination when, for the relevant employers with 50 or more employees, the average remuneration of workers of one sex is at least 25 per cent higher than the average remuneration of employees of the other sex.

The RD-Ley 6/2019 stipulates the “life cycle” of Equality Plans as follows:

1. **Diagnosis:** companies and corporations must conduct assessments to establish the gender dynamics within the company.
2. **Negotiation:** Equality Plans should be negotiated in a joint committee, with both employee and company representatives.

3. **Approval:** once the negotiation period is over, an Equality Plan will be implemented.
4. **Registration:** All Equality Plans must be filed with the corresponding registry. By filing the plan in this manner, access to its contents is made public.
5. **Monitoring and supervision:** a supervisory commission must be established to monitor compliance with and the application of the Equality Plan. There should be periodic checks and assessments of the Equality Plan while it is in force.
6. **Expiry:** the duration of Equality Plans must be agreed between all parties but can never exceed four years.

Even more recent laws have come into force since this research started. These include the *Real Decreto 901/2020*, which came into force on 14 January 2021 and the *Decreto de igualdad salarial, Real Decreto 902/2020*, which came into force on 14 April 2021. The first designated which types of companies are required to have Equality Plans and stipulated that for all companies negotiations with employee representatives must put in place measures to avoid and prevent gender discrimination, sexual or gender harassment. The second promotes pay transparency to enable companies and employees to identify discrepancies in pay and address them, through job assessments, remuneration registries and facilitating employee access to the registry (through grouped anonymised data) and pay audits.

Failure to comply with the requirements established in *Ley de Igualdad 3/2007* is considered a serious misconduct, and companies can be given penalties ranging from €6,251 to €187,515. Furthermore, a 2017 law ruled that private companies are not able to compete for public sector contracts unless they have Equality Plans.

In addition to the financial penalties prescribed by law, companies face the imposition of accessory sanctions for a period of between six months and two years, consisting of the automatic loss of financial support, bonuses and, in general, the benefits derived from the application of employment programmes (Miralles Beviá 2021).

# A review of Spain's gender pay gap reporting system

## Legislative intent

It was often highlighted that the main aim of the current legislation is to correct inequality in labour relations while simultaneously promoting greater co-responsibility between men and women in terms of domestic burdens. The idea of the legislation was to tackle the question of the gender pay gap from multiple vantage points (María Romero Paniagua, AFI). The legal framework has evolved over time and, although the *2007 Equality Law* had already introduced the requirement for Equality Plans, the new laws brought more clarity into the framework, extended its application and introduced the requirement for plans to be decided through a “negotiation commission” constituted in equal parts by the representatives of the company and employees through trade union representatives (Raquel Gomez Merayo, Federal Secretariat of Women and Equality in Labour Commission).

The requirement to conduct assessments for diagnosis, aims to ensure that employers start to become more reflective, and begin to question why certain things are a certain way and how they can change (María Gema Quintero Lima, Universidad Carlos III de Madrid). The role of the diagnosis is thus to bring light to the employment dynamics within the company.

## Reported information

The new requirement for all companies, irrespective of size, to keep a remuneration registry was often identified as a step in the right direction for Spain. Patricia Nieto Rojas (Universidad Carlos III de Madrid) posited that this measure goes beyond international obligations and is very important because the availability of information is essential to drive change.

Employers differed in their view of the requirements. According to one multinational employer (anonymous), the exercise of collecting the information, completing the forms, and preparing Equality Plans does not constitute much of an analytical burden. It is rather straightforward and mostly requires ensuring that all the relevant data has been collected and that the scope is correct. However, another employer (anonymous) argued that the requirements are too complex, even for large companies, which are well resourced and have legal advice. They argued that because there are multiple ways suggested to calculate the gap and quite a few categories are not clear, therefore, the administrative burden on smaller companies with less resources are significant.

Furthermore, regarding questions of equal pay for equal work, it was argued by our interviewees that, although it is helpful that it was included in the legislation, it added an extra layer of complexity to the mechanism as it is not straightforward to compare work of a different nature and attribute the same value (Pablo Gimeno Díaz de Atauri, Universidad Carlos III de Madrid).

Others interviewees cautioned that, although the new legislation has brought much needed clarity on the reported information, it is still too early to know

how the new laws in relation to Equality Plans will be implemented by companies, particularly smaller ones which have no previous experience of preparing and negotiating Equality Plans (Pablo Gimeno Díaz de Atauri, Universidad Carlos III de Madrid).

## Compliance

Interviewees have suggested that compliance levels with the *2007 Equality Law* tend to be rather low, mainly because, when it was introduced, there was no provision for penalties. Patricia Nieto Rojas (Universidad Carlos III de Madrid) argued that, given the new requirement for all Equality Plans to be registered in a public registry, it will be possible to have a better idea of compliance levels. Furthermore, although companies might comply by having Equality Plans, there is very little emphasis on measures that will actually reduce the gender pay gap.

.....  
“Although companies might comply by having Equality Plans, there is very little emphasis on measures that will actually reduce the gender pay gap.”  
.....

It was argued by our interviewees that, even within the public administration in the different autonomous regions, there are mixed levels of compliance. Eva Fernández Urbón from the trade union CSIF questioned the accountability mechanisms given that the public administration is not going to fine itself and that there are no independent bodies responsible for the supervision of the mechanism.

The *instituto de las mujeres* provides a certification, the “*distintivo Igualdad en la Empresa*,” which is offered to companies in recognition of their

efforts towards equality within the workplace. There is a network of companies that have been certified since 2010 – currently 148 – and they form part of the network of companies with the “Equality in Business” or DIE Network. The idea is to enable the exchange of good practices and experiences in the field of equality between women and men (Instituto de las Mujeres 2015). However, Pablo Gimeno Díaz de Atauri (Universidad Carlos III de Madrid) highlighted that the certificate is given mostly to big companies, not because of the effectiveness of their Equality Plans but from focusing more on flagship services they offer, such as a nursery or whether work flexibility is encouraged. Therefore, it mostly rewards companies with sufficient resources to be able to provide such services. It would be interesting if smaller companies could also be rewarded for being creative in their efforts despite having fewer resources.

## Enforcement, penalties, and monitoring

There is general enthusiasm for the introduction of sanctions and increased efforts in monitoring through a more centralised approach. Eva Fernández Urbón (CSIF) highlighted that, since penalties were introduced, companies

.....  
“Since penalties were introduced... there has been a marked increase of around 40 per cent in negotiations of Equality Plans.”  
.....

recognise that there will be more enforcement so there has been an increase in trade union requests for negotiations of Equality Plans. The perception is that there has been a marked increase of around 40 per cent in negotiations of Equality Plans.

It was also argued that, besides considering the important role played by labour inspectors in terms of ensuring compliance, one must recognise that it will take time for mentalities to change (María Gema Quintero Lima, Universidad Carlos III de Madrid). Although there was a transition period

for the application of the new legislation to allow plenty of time for companies to prepare, there was little planning on the part of companies.

## Transparency

Equality Plans will become available through a public registry. Until 2019, all Equality Plans were published on the *Boletín Oficial del Estado*. This has ceased to be the case as the public registry system is currently being developed (Ana Fernández de Vega, President of the Spanish Association of Gender Consultancy).

The remuneration registry was often highlighted as a very important transparency tool, particularly as trade unions must have access to it and employees can have access to some of the information (Raquel Gomez Merayo, Federal Secretariat of Women and Equality in Labour Commission).

There is general agreement that the new requirements are good for transparency. The importance of the proposed legality control which is applied to Equality Plans before publication was often highlighted. The new requirements introduce checks to ensure that plans are in accordance with the law so that these can be corrected before registration and publication. This was seen as important because companies value their image and thus will not submit an Equality Plan that is so poorly drafted that it damages their reputation. The *Ministerio de Trabajo y Economía Social* has a unit that is responsible for the legality control. Companies are also expected to submit a checklist to ensure that they have followed all the steps of the law so that the inspectors can do compliance control (Begoña Suárez, Instituto de las Mujeres).

Sandra Deltell Díaz (PwC) argued that transparency makes a difference because it helps to bring greater awareness about the gender pay gap within companies. María Romero Paniagua (AFI) on the other hand highlighted that although it is possible to access the information and, for instance, to establish that a company has a 10 per cent gap, the methodology is not published and so it is impossible to understand how the gap was calculated. Thus, the ongoing challenge with the information published is that there is no structure or specific

criteria: companies publish the information in their own terms and so it is hard to assess the level of gap in relation to different companies and to follow up on how the gap is evolving over time. The requirement to publish the data is good but it needs to be standardised and homogenised.

---

“Companies publish the information in their own terms and so it is hard to assess the level of gap in relation to different companies and to follow up on how the gap is evolving over time”

---

## Size and sector

The fact that, from March 2022, all companies in Spain with more than 50 employees will be required to have an Equality Plan and will need to audit salaries according to gender was seen by stakeholders to go beyond the obligations of EU legislation, or the ILO recommendations. It instead seems to respond to pressure from society to adapt the requirements to the reality of the labour market in Spain (Raquel Gomez Merayo, Federal Secretariat of Women and Equality in Labour Commission).

**More than 90 per cent of companies in Spain are micro companies and thus have fewer than 50 employees** (Instituto de las Mujeres 2015). However, as argued by María Romero Paniagua (AFI), although a significant number of companies are not covered by the current legislation, all companies must have a remuneration registry. Furthermore, when employment figures are considered, **the 10 per cent that represent larger companies in Spain account for over 50 per cent of the workforce** and thus the legislation captures a sizeable percentage of employees. The regulation focuses on bigger companies because it would be a bureaucratic burden for small companies to negotiate Equality Plans. If smaller companies are found to have a gender pay gap higher than 25 per cent, they must present a plan of action to address these gaps (Begoña Suárez, Instituto de las Mujeres).

Further, it was highlighted that, although many issues of gender inequality may occur within smaller companies, it would be difficult to negotiate Equality Plans because smaller companies often have no employee trade union representation (María Gema Quintero Lima, Universidad Carlos III de Madrid; Raquel Gomez Merayo, Federal Secretariat of Women and Equality in Labour Commission). In these instances, the negotiation needs to be done through trade unions of the sector. This was seen as very important to ensure that in smaller companies' Equality Plans are not unilaterally imposed by companies.

An employer from a big banking group (anonymous) argued that the new regulations are far too complicated, and the burden it would place on smaller companies that often lack resources or personnel to handle these legal requirements is unimaginable.



Carmen Seisdedos Alonso (Mujeres en el Sector Público) posits that the law should apply more extensively in the public sector, although there is a certain reluctance to accept it. It is very important to have more transparency.

### What are the strengths of the Spanish system?

The approach of requiring Equality Plans to be negotiated through a commission including trade union representatives is considered very powerful in holding companies accountable (Raquel Gomez Merayo, Federal Secretariat of Women and Equality in Labour Commission). This was echoed by an expert who argued that the social dialogue involving the government working alongside trade unions to develop policies is working really well as a framework.

Carmen Seisdedos Alonso (Mujeres en el Sector Público) highlighted that equality bodies, such as the *Instituto de las Mujeres*, have done a good job in terms of research, capacity building and awareness raising. There are also interesting support initiatives at the level of the autonomous regions.

Carlos Victoria Lanzón (EsadeEcPol) argues that the system includes information that captures structural issues, such as promotions, part-time employment, etc. Thus, it provides the granularity required to identify the root

.....  
“Although, in some ways, the framework merely replicates existing legislation... it is an effective system because it draws policymakers’ explicit attention to matters that have been given too little consideration”  
.....

problems. Although, in some ways, the framework merely replicates existing legislation – it makes illegal that which is already illegal (discrimination) – it is an effective system because it draws policymakers’ explicit attention to matters that have been given too little consideration. It was also often mentioned that data availability will be very important as it has the potential of providing that extra push towards greater equality in society (Eva Fernández Urbón, CSIF).

Another multinational company (anonymous) argued that the advantage of the current legal framework is that it is simple and easy to implement.

### What are the weaknesses of the Spanish system?

Although the new legislation introduces improvements, some argued that it needs to be more specific. Now all companies need to have a remuneration registry, but it remains up to the ministry to publish information based on this, otherwise it is still hard to access information, particularly due to GDPR and other EU regulations. It is also very difficult to get statistical information from the ministry because of privacy laws (María Romero Paniagua, AFI).

María Gema Quintero Lima (Universidad Carlos III de Madrid) argued that a real opportunity for change is missed because companies tend to outsource the task of preparing Equality Plans to consultancy companies that become almost “Equality Plan machines”. It is therefore essential to provide smaller companies with further support as most already lack engagement with trade unions, so it does not make sense to expect them to deal with this task on their own. There is also the fact that small companies are not very profitable or productive and thus lack capacity to deal with the increased workload (Sandra Deltell Díaz, PwC).

The mechanisms that lead to the gap are too subtle and so not easy to measure. It is difficult to show that bonuses are not attributed based on just talent and competence (Margarita Torre Fernández, Universidad Carlos III de Madrid). Issues like **promotions**, the **types of contracts**, and **temporality** – which affects women the most – tend to be structural and so not easily tackled by such legislation.

Interviewees argued that, in male-dominated and patriarchal sectors, senior leaders will contend that there is no discrimination and no gap. Interviewees suggested that there is a need for a strong emphasis on the role played by trade unions as partners in the negotiation process to help combat such views. However, it was also often noted that trade unions lack the capacity to deal with all the requests that they receive to be part of negotiations. Considering that in 2022 even more companies will need to produce Equality Plans, this problem is only going to get worse. Furthermore, trade unions can be quite male-dominated meaning that when it is time to negotiate Equality Plans, it is mostly men at the table (Cristina Vázquez, Federación Empresarial de la Industria Química Española).

.....  
“The current law will face serious implementation challenges because it is trying to be perfect at the risk of becoming unattainable”  
.....

An employer from a banking group (anonymous) argued that the current law will face serious implementation challenges because it is trying to be perfect at the risk of becoming unattainable. The requirement for Equality Plans to be negotiated with trade unions, which is good in principle, does not work in practice because there are too many companies with no trade union representation and thus, they must chase trade union representatives who are themselves overwhelmed with no time or resources to take on this burden. So, it sounds good on paper, but it simply will not work in practice.

### How could Spain’s legislation be improved?

Carmen Seisdedos Alonso (Mujeres en el Sector Público) posits that the law should apply more extensively in the **public sector**, although there is a certain

reluctance to accept it. It is very important to have **more transparency**.

An employer from a big banking group (anonymous) suggested that, in wanting to be perfect, the law is too complex and cumbersome. For some small companies, and even for many trade union representatives, it would be much better if the methods of calculation were simpler. Instead of four methods to calculate the gap, there should be just one. As it stands there are too many ways to calculate the gap and little understanding on the merits of one approach over the other. As such, better government support and guidance, particularly for smaller employers and trade unions, would be very welcome.

Sandra Deltell Díaz (PwC) suggested that it would be helpful to develop an index to capture the gender pay gap as this would provide a more robust methodology for comparison and would help increase transparency. The current mechanism does not allow for comparison between different companies. There is a plan for an index to be created in Spain.

### **How else could the pay gap in Spain be targeted?**

Some interviewees argued that although the current gender pay gap policies are necessary, they are not sufficient. There are structural issues that cannot be solved through this existing legal framework. The focus is not wide-ranging enough. The real problem is not two people doing the same job and earning different wages, it is rather that there are labour market obstacles and if issues such as short-term contracts, involuntary part-time employment and occupational segregation persist, it is difficult to tackle the gender pay gap (Carlos Victoria Lanzón, EsadeEcPol).

Ana Polanco Alvarez (ClosinGap) added that taking a more econometric focus where possible to compare collectives/sectors that are comparable allows for the development of better policies which are more in line with reality.

---

**“The real problem is not two people doing the same job and earning different wages, it is rather that there are labour market obstacles and if [these] issues... persist, it is difficult to tackle the gender pay gap”**

---

Other gaps in childcare, access to employment, parental leave, etc, must be considered. Otherwise, it is impossible to get the full picture.

### **Overall perspective**

There were significant challenges in the application of the *2007 Equality Law* but, since 2019, positive steps were taken in passing new legislation

which clarifies the requirement for Equality Plans, expands its applicability to companies with 50 or more employees and impose an obligation for plans to be negotiated (Carmen Seisedos Alonso, Mujeres en el Sector Público; Cristina Vázquez, Federación Empresarial de la Industria Química Española; Carlos Victoria Lanzón, EsadeEcPol). Furthermore, all companies in Spain are now required to keep a pay registry that contains information about wage differences and includes gendered analysis. Overall, it is too early to tell how effective the new legislation will be in bridging the gender pay gap in Spain, but the last few years have been important in the development of the current legal framework.

.....  
“It is too early to tell how effective the new legislation will be in bridging the gender pay gap in Spain, but the last few years have been important in the development of the current legal framework”  
.....

Further, the approach in Spain has been rather holistic, with other initiatives being undertaken by the state, such as: **compensation in pension adjustments; salary top-ups** to support mothers with childcare costs; and creating **incentives for mothers to remain in full-time employment**. Lastly, the inclusion of trade unions in the drafting of the legislation through the social dialogue and keeping them as key actors in the process of negotiating Equality Plans is certainly seen as a step in the right direction for most of our interviewees for the Spanish gender pay gap reporting regime. There have been increasing calls, however, for trade unions and small companies to receive more comprehensive support.

# Conclusion

The issue of the gender pay gap has been firmly on the agenda since 2019 when new laws were passed, and others amended. There is, however, a recognition among our interviewees that more could be done, even before the Covid-19 pandemic brought attention to structural inequalities between men and women.

The recent amendments clarify aspects of formality, expand the applicability criteria, and introduce sanctions. Some argued that sanctions are not the best way forward, as awareness-raising initiatives could be more effective in demonstrating how equality benefits everyone. However, others also highlighted that Equality Plans have been a requirement for companies with 250 or more employees since 2007 and yet very few companies complied with the requirements because there were no sanctions.

---

“The legislature is moving much faster than society in questions of equality and thus there is the need to focus more on awareness raising... to work towards reversing gender roles resulting from the legacy of the Franco era”

---

It is difficult to know the extent to which the new legislation will improve compliance and contribute to bridging the gender pay gap in Spain, but most experts agreed that the recent legislation is a step in the right direction. Concurrently, it was often highlighted that the legislature is moving much faster than society in questions of equality and thus there is the need to focus more on awareness raising – for example, developing pedagogical tools in schools – to work towards reversing gender roles resulting from the legacy of the Franco era. Others have pointed out that the main issue with the current framework is that in aiming for perfection it missed out on the opportunity of being a simple but effective tool.

## Key suggestions

- The gender pay gap framework should apply to the **public sector** in the same way as it applies to the private sector.
- It is important for the government to work more closely with trade unions and provide better support and guidance for them in their role of negotiating Equality Plans with companies. A commission should be created to **support trade unions** through regular training and advice.
- There should be a **dedicated team working with smaller companies** and providing regular support with Equality Plans so that they no longer feel the need to outsource the “burden” of Equality Plans.

# Case Study: Sweden



**05**

# Introduction

The Swedish case shows how even in some of the globe's most gender equal contexts, the impact of gender pay legislation may be diminished if sufficient mechanisms are not in place to ensure the legislation is properly monitored and employers are held accountable.

The Swedish gender pay survey legislation is remarkably **thorough and wide ranging** in comparison to the other cases studies. It requires all employers to conduct gender pay surveys, to analyse the data annually, and to rectify any pay discrepancies found within three years. It has been in existence in close to its current form since 2001. Employers with 10 or more employees are required to document their pay surveys and analysis. The implementation of the legislation is overseen by the Diskrimineringsombudsmannen [Equality Ombudsman] (DO). Some studies and interviewees suggest that, when the legislation is properly implemented, it is an effective tool at reducing pay discrepancies and promoting gender equality.

---

“Even in some of the globe's most gender equal contexts, the impact of gender pay legislation may be diminished if sufficient mechanisms are not in place to ensure the legislation is properly monitored and employers are held accountable”

---

However, the major issue facing the Swedish system is the level of compliance with the legislation. This is, for the most part, an unknown. Because employers are not required to report their pay surveys, there is **no reliable data** on how many employers complete them, but some studies and interviewees suggest it may be as few as around 40 per cent of employers that conduct the surveys and analysis each year (Marie Trollvik, Lönelotsarna; Unionen 2018). The DO is perceived by most stakeholders not to have been actively monitoring whether employers complete the pay surveys, and no other organisations or individuals are able to properly hold employers to account.

As in many of the other cases, what is seen by some as a strength can often draw criticism from other stakeholders. The scope of the legislation, how it applies to all employers and the detailed requirements for the pay survey and analysis are what led Marie Trollvik (Lönelotsarna) to suggest that of all the legislations she has looked at the “Swedish legislation is the best” but it was an area of complaint from the employers' representatives. In particular, they explained that the assessment of equal pay for work of equal value was overly complicated and very difficult to measure. Their suggested remedy was better guidance from the DO, or perhaps the alteration of this requirement. Neither thought the legislation should be scrapped.

# Background

9.9%

gender pay gap

Mothers earn

26%

less than fathers

Single women earn

8%

less than single men

Women are

2x

more likely to live in poverty in retirement than men

Sweden is often pointed to as a global leader for gender equality; indeed, its government has self-identified as “feminist” since 2014 (Statistics Sweden 2018). And certainly, this reputation is well deserved. Their legislative history shows that measures for parental leave, full women’s suffrage, women’s economic independence and even access to contraception were decades ahead of many of their European counterparts (Statistics Sweden 2018). Women and men were more equal in Sweden in 2020 than in any other European Union country (European Institute for Gender Equality 2020a).

However, this is not to say that full equality has been reached. A pay gap between men and women persists despite numerous efforts to reduce it. The latest study from the Swedish Mediation Office puts the current gender pay gap at 9.9 per cent, giving women an average monthly salary of SEK 33,500 while men on average earn SEK 37,200 (Medlingsinstitutet 2019). This pay gap has been reducing over the years, having stood at 14 per cent in 2016/2017 (European Commission 2017; Swedish National Audit Office 2019).

The factors contributing to this pay gap are numerous and include many of those described above. One major issue is the fact that women do more of the caring and parenting than men so end up working part-time more often than men (Gonäs and Spånt 2004). This issue is clear from how in couples with children women earn 26 per cent less than men, while among single people women earn 8 per cent less than men (European Institute for Gender Equality 2020a). The National Mediation Institute suggest that, once certain factors are accounted for – such as occupation, sector, education levels, hours worked and age – the gender gap is reduced to 4.2 per cent (Medlingsinstitutet 2019).

The most important factor in Sweden is that women and men tend to work in different occupations, and female-dominated occupations tend to have lower levels of pay (Gonäs and Spånt 2004; Lönelotsarna 2016; 2020; Medlingsinstitutet 2019). The work of Lönelotsarna highlights how, when you group occupations according to the levels of education required, the responsibilities, and requirements for problem solving and social skills, you find that women-dominated occupations tend to be paid less than the male-dominated equivalents (Lönelotsarna 2016; 2020). Their comparisons tend to show that caring for people is valued less

“Women and men were more equal in Sweden in 2020 than in any other European Union country ”



than working with objects or data. They group occupations into different levels to show the average pay of care assistants compared to security guards; undergraduate nurses compared to IT support workers; assistant nurses to carpenters and welders. In each report finding consistently that women-dominated occupations tend to be paid less on average and have more compressed wages with less potential for a salary increase.

---

“Women-dominated occupations tend to be paid less on average and have more compressed wages with less potential for a salary increase ”

---

The pay gap has much wider implications beyond the injustice of valuing and paying women less. For one thing, the care and education sectors, which are dominated by women, are less likely to attract candidates if they are not seen as paying a fair salary. Indeed, this problem is highlighted in Lönelotsarna’s most recent report (Lönelotsarna 2020). While the value of care has been drawn to the world’s attention by the pandemic, the Swedish government had not, at the time of our interviews, done anything to substantively improve the conditions for those working at the frontline. Further, women being paid less than men has an impact on pensions and quality of life after retirement. In 2011, the OECD found that in Sweden, double the number of retired women lived in poverty (11 per cent) compared to men (5 per cent) (OECD 2012).

Before examining the gender pay gap legislation, it is important to note how the Swedish model works regarding pay. Sweden remains one of the more unionised labour forces at around 70 per cent (Medlingsinstitutet 2013), and wages tend to be set through collective bargaining between trade unions and employers’ representatives. Further individual pay is usually set through an annual agreement between the employee and their line manager or director. Both trade unions and employers tend to oppose any legislation which interferes with this process. Indeed, there is no legislation setting a minimum wage, yet it has both the lowest GINI coefficient (19.5) and highest average income per capita (43,998 USD) of any of the cases studied in this report, meaning that it has high average wages and a low level of wage inequality (World Bank website; ILO 2018).

---

“The pay gap has much wider implications beyond the injustice of valuing and paying women less ”

---

# Gender pay gap reporting in Sweden

.....  
“The aim of the legislation is to ‘discover, remedy and prevent unwarranted differentials in pay and other terms of employment between women and men’.”  
.....

The gender pay gap legislation in Sweden was first introduced in 1994 when private and public employers with at least 10 employees had to conduct annual wage surveys (Equal Opportunities Ombudsman 2003). The rules have been amended a number of times with variations on the frequency of the wage surveys (every year or every three years) and their scope. The current gender pay gap reporting system is based on the 2008 Discrimination Act, which was amended in 2017 (Swedish National Audit Office 2019).

The aim of the legislation is to “discover, remedy and prevent unwarranted differentials in pay and other terms of employment between women and

men” (Equal Opportunities Ombudsman 2003; Discrimination Act 2008). It requires that all employers conduct equal pay surveys and analysis, with employers of over 10 employees being obliged to document their surveys. These surveys require:

- a. the results of their **equal pay survey and analysis**, which itself measures whether pay differences are directly or indirectly associated with gender, and compares men and women performing equal work, but also groups of employees who work in women-dominated areas with other groups of employees;
- b. a description of the rules and practices used to **set wages** and other **conditions of employment** together with the employer’s view on whether the rules and practices are gender neutral;
- c. a description and analysis of any **salary differences for equal work**, including whether the difference is due to gender;
- d. a description and analysis of any **salary differences between jobs primarily held by women and equivalent jobs**, including whether the difference is due to gender;
- e. a description of **salary differences between high-value jobs primarily held by women and other jobs**, including whether any lower-valued jobs are better compensated due to gender;
- f. the existence of any **salary adjustments** and other measures required to address wage differences that are directly or indirectly related to gender;
- g. an estimate of cost and time to address any **wages differences** as soon as possible within the following three years;
- h. an evaluation of how the previous year’s planned measures were **implemented**; and

- i. how the obligation to **cooperate with employees or union representatives** in the creation of the report was fulfilled.

Source: (*Gender Pay Gap Reporting: A Comparative Analysis* 2020; the Discrimination Act 2008)

There are considerable differences of opinion in terms of the effectiveness of the Swedish legislation. Some organisations consider the legislation as a good tool for rectifying wage discrepancies, while others see it as a “blunt instrument”.

The Jämställhetsombudsmannen (JämO), the Swedish Gender Equality Ombudsman – which now has been replaced by the DO – wrote two reports in 2003 and 2005 assessing the legislation that was introduced in 2001. They found that the public sector discovered a number of pay differentials (Equal Opportunities Ombudsman 2003). In the private sector, they found however that **only about 3 per cent of workplaces had implemented pay adjustments** (Equal Opportunities Ombudsman 2003). They suggested that perhaps as many as 1,000 employees have received pay adjustments for equal work, and 9,000 employees have received pay adjustments for work of equal value (Jämställhetsombudsmannen 2005). They also put this in context of the many other strategies that have been found in action plans to help remedy pay discrepancies, from “investments in skills development, ‘freezing’ of pay for certain groups, promoting gender balance when advertising and various forms of affirmative action programmes when recruiting new staff” and management training for gender equality (Jämställhetsombudsmannen 2005).

---

“Perhaps as many as 1,000 employees have received pay adjustments for equal work, and 9,000 employees have received pay adjustments for work of equal value”

---

This generally positive response to the gender pay survey system was echoed to a degree in the Unionen report of 2018. While they were sceptical about the overall compliance with the legislation, they suggested from their survey results of Unionen members that for employers that do carry out the salary survey and analysis, at least half of the employers implement salary adjustments or other measures to help achieve equal pay (Unionen 2018). In the interviews, Peter Tai Christensen (Unionen) added that in their survey **80-85 per cent of employers** had said that they had previously found a pay differential due to the pay surveys and analysis, implying that while each survey may not find these differentials, over time they have been a useful tool. This showed that the pay surveys were a helpful tool in finding and remedying gender related pay discrepancies and promoting measures to tackle gender inequality.

JämO pointed to the importance of the pay surveys and analysis for pay adjustments, considering the poor record of equal pay legislation in most EU

countries, seeing this as a much more effective route for employees – mostly women but some men in women-dominated fields – to have their pay adjusted using proactive measures (Jämställhdetsombudsmannen 2005).

.....  
“The Swedish National Audit Office... [found] ‘the requirements to document equal pay surveys had little or no effect on gender differences at workplaces’.”  
.....

The Swedish National Audit Office, in a 2019 report, were much more critical of the legislation’s impact on the gender pay gap, calling it in the title of their report “a blunt instrument”. They suggest that it is difficult to know the impact of the legislation at an individual employer level, as it is poorly supervised. They did find “the requirements to document equal pay surveys had little or no effect on gender differences at workplaces” although they do point to a small difference between companies where the requirement to document equal pay surveys and analysis has stopped and found that they did have, on average, a slightly lower number of women hired as managers than those companies still

reporting (Swedish National Audit Office 2019). However, on a broader scale it has only “limited potential” to affect gender pay gaps in the labour market. It is interesting that this conclusion is judging the legislation on different terms from the other reports, as it views the legislation as a tool for tackling the wider gender pay gap rather than to “discover, rectify and prevent unwarranted differentials in pay and other terms of employment between women and men” (Equal Opportunities Ombudsman 2003).

# A review of Sweden's gender pay gap reporting system

## Legislative intent

The Swedish gender pay gap survey and analysis system is different from most of the other gender pay gap reporting systems being looked at in this study. As pointed out by one multinational employer (anonymous), the focus is on pay parity, rather than improving the representation of women at different – usually senior – levels within organisations. The underlying intent of the legislation is to “discover, remedy and prevent unfair gender differences in pay and other terms of employment” (Anita Nyberg, Stockholm University; Diskrimineringsombudsmannen; Equal Opportunities Ombudsman 2003). It requires employers to survey the pay of their employees and seek out any disparities of pay across gender, including looking at differences between female-dominated work and other equivalent roles. Further, it sets out that any disparities should be addressed in the next three years. As such, it is primarily a tool for employers to self-audit for equal pay and equal pay for work of equal value.

## Compliance

Compliance levels with the legislation in Sweden are unknown. As companies are not required to publish, report, or submit their surveys and analysis to an external body, there is no clear way of knowing how many employers have done their surveys, or the quality of the surveys that have been completed. None of the stakeholders had any certainty about the compliance levels.

.....  
“There is no clear way of knowing how many employers have done their surveys... as few as 40 per cent of companies may be fulfilling their legal obligations”  
.....

Many suggested that they were probably low. Some quoted a report written by Unionen (2018) suggesting as few as 40 per cent of companies may be fulfilling their legal obligations (Anita Nyberg, Stockholm University; Marie Trollvik, Lönelotsarna). Alma Kastlander Nygren (Vårdförbundet) suggested that employers were given plenty of warning before an inspection, implying that surveys could easily be rushed through before an inspection. Peter Tai Christensen (Unionen) suggested it had been about six years since the DO had carried out their last systematic monitoring round.

## Enforcement, penalties and monitoring

Many stakeholders from different groups suggested that the low compliance was due to a lack of effective monitoring by the DO. Penalties were not seen as the most important tool for increasing compliance. Monitoring from the DO, or from trade unions, or some form of greater transparency – perhaps with reports submitted to a government agency – were all seen as ways of improving compliance.

Stakeholders suggested that the DO has become less involved in this issue over

.....  
“The personality and priorities of the person of the Ombudsman had a very direct effect on how closely the gender pay surveys were monitored”  
.....

the past few years. This was explained as partly because the monitoring body had changed. The previous monitoring body, the Gender Equality Ombudsman, had only been responsible for gender equality, whereas the new DO is responsible for all forms of discrimination. As such, the monitoring of gender pay surveys has fallen down the list of priorities. Further, there were suggestions that the Ombudsman has lost some of the previous expertise in this area, and that the personality and priorities of the person of the Ombudsman had a very direct effect on how closely the gender pay surveys were monitored.

There was little appetite for the introduction, or heavy use, of penalties. Marie Trollvik (Lönelotsarna) suggested that naming and shaming might be a more effective tool, while Edel Karlsson Håål (Svenskt Näringsliv) suggested that idea that companies might be missing out on attracting the best employees by not demonstrating gender equality was a better motivator. Peter Tai Christensen (Unionen) said that he feared if there was a set fine for non-compliance that some employers might just see it as easier to pay the fine than do the survey. There is a public commission of inquiry looking into the possibility of using sanctions ongoing and due to report later this year.

## Reported information

Different responses towards the required reported criteria came from different stakeholders in our interviews. Gender equality advocates from the Sveriges Kvinnolobby, Lönelotsarna and from the Swedish Gender Equality Agency thought the criteria were very good. Marie Trollvik (Lönelotsarna) suggested that of all the legislations she has looked at the “Swedish legislation is the best” and that the scope of it is “correct the way it is”. Her view was that the Swedish legislation was particularly good because it “prescribes all the steps that you have to do in your pay review”. This sentiment was echoed by a multinational employer (anonymous), who liked the granularity of the data because it means that the comparisons being made are like “comparing apples with apples and oranges with oranges,” because you can specify not just someone’s role, but their level within that role. The gender equality advocates thought the reported information was thorough, detailed yet clear and thought that if the surveys and analysis were done correctly, they would be very effective.

The two employers’ representatives we spoke to, however, disagreed. In particular, they found the need to assess equal pay for work of equal value “very, very difficult,” particularly for smaller employers that had fewer resources (Edel Karlsson Håål, Svenskt Näringsliv; anonymous). They suggested that the difficulty came primarily from assessing job requirements. Further, they pointed out that there was little scope for the inclusion of

performance of the employee in these assessments. The idea that the surveys are too difficult was born out by comments by a member of a government department (anonymous) who suggested – based on what she had heard from the DO – that often the surveys and analysis were poorly conducted. This might be due to employers not being aware of what was required of them.

These issues point to the need for better guidance for employers in conducting the gender pay surveys and analysis. Peter Tai Christensen (Unionen) said that formerly, when the DO was more proactive in monitoring the surveys and providing guidance, the standards were higher.

The union stakeholders (Peter Tai Christensen, Unionen; Alma Kastlander Nygren, Vårdförbundet) had a different complaint about the requirements of the legislation. They objected to the fact that employers were given three years to address any pay discrepancies. They argued that if there is discrimination in pay then it should be addressed immediately.

## Transparency

The gender pay surveys and analysis are not transparent in Sweden. However, there was not a great deal of support for greater transparency as such from any of the stakeholders. While many acknowledged that there was a problem with the lack of compliance or ability to monitor the effectiveness of the tool, transparency of the reports was not considered to be the solution. The overall reluctance for there to be full transparency of the surveys was because they would be likely to reveal individual salaries.

Instead, some stakeholders suggested that the reports could be more proactively shared with other organisations, such as the DO and the trade unions. Others suggested that a clearer and more robust role for the trade unions for monitoring the reports would be a better solution.

Many interviewees brought up the question of pay transparency in general as an important issue, but one that was culturally very sensitive in Sweden, particularly because wages tended to be set individually. Some interviewees pointed out that unions should be able to tell employees what the average salary for their role was. Further, in Sweden, information on public sector salaries is already available to the public.

---

“While many acknowledged that there was a problem with the lack of compliance or ability to monitor the effectiveness of the tool, transparency of the reports was not considered to be the solution”

---

## Employer size and sector

While all employers are required to do gender pay surveys and analysis, only employers with over 10 employees are required to document the findings. Most of the stakeholders we interviewed did not find this problematic. Two interviewees questioned whether smaller employers might find the requirements difficult (Edel Karlsson Håål and Svenskt Näringsliv). Otherwise, it was seen as appropriate that employers with less than 10 employees had no obligation to document their pay surveys, but that larger employers, who would no doubt have at least one employee with a human resources role, should be able to do it. The thinking was that surveys would not be very difficult if you only have a few employees, so it is not too much of a burden.

## What are the strengths of the Swedish system?

Overall, the system was seen by many as positive. Peter Tai Christensen (Unionen) and Jenny Andersson (Sveriges Kvinnolobby) liked the legislation because, when it is done properly, employers find pay gaps and rectify them, and are continually building in equality measures, all of which contributes to greater gender pay equality. The fact that employers are required to do this themselves – to avoid a reliance on expensive and damaging litigation – is an additional positive (Jenny Andersson, Sveriges Kvinnolobby and Peter Tai Christensen).

Gender equality advocates Marie Trollvik (Lönelotsarna) and Jenny Andersson (Sveriges Kvinnolobby) also spoke about the benefits of the detailed requirements in the legislation. It requires a thorough analysis, so does not allow for much to be avoided or not included. Further, it includes a survey of equal pay for work of equal value – which is so important for tackling gender pay gaps – and many gender pay gap reporting systems don't include this. Another positive with the legislation, according to Peter Tai Christensen (Unionen), is that it suggests that all gaps need to be investigated, rather than just gaps over a certain threshold.

A further strength of the legislation is that it applies to all employers (Marie Trollvik, Lönelotsarna).

## What are the weaknesses of the Swedish system?

The overwhelming response from stakeholders was that the major weakness of Sweden's system is the lack of monitoring and low levels of compliance. This led one advocate to call the whole process an “exercise in futility”.

The other problem with the legislation, pointed to by employers' representatives, was the difficulty of calculating equal pay for work of equal value. Doing these calculations is complicated and time-consuming. This finding was also included in reports such as the Equal Opportunities Ombudsman's 2003 report and the Swedish National Audit Office's 2019



report. Further, there is a broader feeling among most stakeholders that there is less support from the DO in terms of how to do these calculations than there used to be.

“This legislation is not able to address the major causes of the gender pay gap in Sweden. By its very nature it is unable to tackle occupational segregation and the undervaluation of women’s work

A broader critique of the legislation surfaced in many interviews – the problem that this legislation is not able to address the major causes of the gender pay gap in Sweden. By its very nature it is unable to tackle occupational segregation and the undervaluation of women’s work. This is because it works within organisations, so is unable to address – as was emphasised by Alma Kastlander Nygren (Vårdförbundet) – the needs of underpaid female-dominated occupational groups, such as nurses, because they work for numerous employers.

### How could Sweden’s legislation be improved?

The key improvement needed for this system is **better monitoring to increase compliance**. The main suggestions here were around re-establishing the position of the DO, and **clarifying the role of the trade unions** so that they have a clearer mandate to request and monitor the gender pay surveys of the employers they worked with. There were also other suggestions to help improve the system, such as **increasing the guidance and support** offered by the DO.

### How else could the pay gap in Sweden be targeted?

The primary cause of the gender pay gap, as reported by the Swedish Mediation Institute which collects and reports on the gender pay gap each year, is **occupational segregation** and the **undervaluation of women’s work**. Stakeholders repeatedly pointed out that pay surveys and analysis were not addressing some of the more important causes of the gender pay gap. To address this problem in Sweden, the government would need to look at **pay levels across the workforce** and generate more funds for occupations such as nurses and teachers. This has been done before for certain sectors, but it is difficult to address more widely.

“Stakeholders repeatedly pointed out that pay surveys and analysis were not addressing some of the more important causes of the gender pay gap

# Conclusion

Legislation in Sweden requires all employers to carry out gender pay surveys and analysis. Employers with over 10 employees must document their findings. The surveys and analysis require employers to compare the pay of different groups within an organisation to ensure that there is equal pay and equal pay for work of equal value. The requirements are incredibly detailed and thorough and require employers to address any pay discrepancies within three years.

This legislation differs from many others in two main ways. First, **the focus is more on pay equality rather than the equal representation of women** throughout the organisations. Second, there are **no requirements to actually report the pay surveys** and analysis, nor to have any transparency on the report with employees.

The main problem with the system is that no one has any clear idea of the level of compliance with the legislation among employers. There have been surveys which suggest that compliance may be abysmally low, at around 40 per cent (Unionen 2018). Interviewees largely blame the DO – the body designated to oversee the implementation of the legislation – for failing to monitor compliance. More transparent systems are unlikely to see such low levels of compliance even if the formal governmental body fails to monitor it, because employers will be held accountable to a certain extent by employees, the media, trade unions, gender equality advocates and other stakeholders. There was little appetite for greater transparency, however. This is because the detail required in the surveys raises worries about privacy, and because individual wages are common in Sweden and are based on each individual’s performance and annual discussion with their employer.

Instead of increased transparency, many interviewees suggested that trade unions could play a more active role in monitoring the pay survey system. Given the importance of trade unions in Sweden, this would be a good solution. A greater level of clarity as to their role and authority to scrutinise pay

surveys would be required. There are obviously certain issues to be negotiated in opening up the monitoring more to trade unions, such as where a single employer will employ members of different trade unions, and how to negotiate the sensitivities there.

.....  
“The Swedish case clearly demonstrates the futility of having such detailed and thorough legislation if it is not sufficiently monitored  
.....

The Swedish case clearly demonstrates the futility of having such detailed and thorough legislation if it is not sufficiently monitored. There is little wrong with the actual set up of the system, just a lack of energy and focus being directed towards monitoring it. Sweden may be a step ahead of the other country cases when it comes to gender

equality, but as women still on average earn less than men, are twice as likely to end their lives in poverty, and their work as the backbone of Swedish society through the care and education sectors continues to be undervalued,

there is still a long way to go. Making effective use of this legislative tool is surely worth some more effort and focus from the government's *Diskrimineringsombudsmannen*.

---

“Sweden may be a step ahead of the other country cases when it comes to gender equality, but as women still on average earn less than men [and] are twice as likely to end their lives in poverty... there is still a long way to go”

---

## Key suggestions

- **Empower and invigorate** the monitoring by the *Diskrimineringsombudsmannen*.
- **Clarify the role for trade unions** in monitoring to allow for secondary monitoring.
- Issue **clearer, better guidance** and support for employers so they are better able to carry out the pay surveys.

# Case study: United Kingdom



# Introduction

Since 2017, the United Kingdom’s private and voluntary sector employers with 250 or more employees have been required to publish gender pay gap reports with information on gender pay and bonus gaps. In England, the same rules apply for public sector employers, while the minimum employee threshold is 20 in Scotland and non-specified in Wales. No mandatory reporting obligation exists for Northern Ireland, since it is not covered by the Equality Act 2010.

The UK stands out in international comparisons for its high level of compliance – which was 100 per cent in both 2017/18 and 2018/19 – and in terms of

.....  
“The UK stands out in international comparisons for its high level of compliance – which was 100 per cent in both 2017/18 and 2018/19”  
.....

transparency, since all reported information is publicly available on the UK government’s *Gender Pay Gap Service* website and is also required to be published on employer websites. This level of transparency and accessibility is seen to facilitate comparisons between employers, and between the public and private sector, and to allow media and potential employee scrutiny of results, in turn further increasing accountability. The prescriptive nature and simplicity of the information required to report was considered an advantage of the UK system.

However, some adjustments would make the UK system better at addressing some of the issues contributing to gender pay gaps. Compared to other countries, the UK’s minimum employee threshold for private company reporting is remarkably high. Unsurprisingly therefore, we found support among advocates and trade unions for lowering the employee threshold in order to capture more employee’s pay conditions and extend accountability to smaller employers.

Another clear failing of the UK system is that it does not require employees to take action to remedy gender pay gaps. We found strong support for the introduction of mandatory action plans that are time bound and offer measurable criteria. Many stakeholders pointed to the importance of taking an intersectional approach. Some interviewees thought ethnicity pay gaps should be reported (Dianne Greyson, Ethnicity Pay Gap Campaign; Fawcett Society), and many employers are starting to introduce ethnicity into their equality analyses.

Importantly, almost all stakeholders found that gender pay gap reporting, while perhaps useful at providing a focal point, or “shining a small light” on the issue, was in no way sufficient to address the gender pay gap or societal inequalities more broadly. Gender pay gap reporting as it stands does not allow structural inequalities to be challenged – in particular: the gendered division of unpaid care; occupational segregation; the undervaluation of women’s work; or the overrepresentation of women in part-time and low-paid employment.

# Background

23rd

in the WEF Gender Equality Index

6th

in the Gender Equality Index

Women comprise

36.2%

of FTSE 100 boards

Retired women receive

1/5

of the pension of retired men

Britain is well known for its strong suffragette movement, which was spearheaded by Emmeline Pankhurst and pushed for women's equal voting rights, which were granted fully in 1928. Since then, progress towards gender parity has continued, albeit slowly, with another milestone achieved in 1970 with the introduction of the Equal Pay Act preventing discrimination in pay and conditions of employment on the basis of sex. This act was replaced by the broader Equality Act 2010, which covers the gender pay gap reporting obligation discussed below.

Comparing overall gender equality levels, the UK ranked relatively low (23rd place) in the World Economic Forum's Global Gender Gap Index 2021 and 55 in terms of women's economic participation and opportunity (WEF 2021). In the European context, the UK has remained in 6th place in the Gender Equality Index ranking since 2010 (European Institute for Gender Equality 2020b).

As in many other high income countries, women in the UK today have overtaken men in terms of educational achievement: girls are outperforming boys at school and women are more likely to enrol in higher education than men (EHRC 2019). Still,

men enjoy better employment prospects and are overrepresented in both non-executive and executive directorships, with women making up only 36.2 per cent of FTSE 100 boards in 2020 (Hampton-Alexander Review 2021). Representation is even worse in the 261 smaller firms below the FTSE 350 All-Share index: over half (54 per cent) do not have a single woman on their executive leadership team, compared to 8 per cent of FTSE 350 (Women on Boards UK, 2021).

Women remain overrepresented in part-time employment and remain concentrated in public sector and low-pay employment, with occupations remaining gendered (EHRC 2017; ONS 2020). Accumulating inequalities result in women aged 65-69 being left with one fifth of men's average peak pension (Chartered Institute of Insurance 2018). Likely as a result of adverse socio-economic conditions, the latest figures from the UK's Trade Union Congress show female trade union membership is higher today than at any point since 1995 at 3.7 million (TUC 2021).

Progress in closing the UK's gender pay gap has been slow; in the past decade the gender pay gap has fallen by just over one fifth among all employees. Gender pay gap data for 2020 shows that, in the UK, the median hourly earnings (excluding overtime) for all employees was **15.5 per cent** lower for women than for men, down from 17.4 per cent in 2019 (ONS 2020).

With age, the gender pay gap tends to widen. For instance, when considering only full-time employees (remembering that women are more likely to work part-time), the gender pay gap is at first negligible at **1 per cent** until the age of 40, when it rises to **11 per cent** and then stays at **13 per cent** from the age of 50 onwards. A crucial factor explaining this difference is the “motherhood penalty”. The gender pay gap grows steadily in the years after parents have their first child, culminating in a remarkable gender pay gap of 30 per cent by the time the child turns 13 (ONS 2017). Among other factors, the widening gap can in large part be attributed to mothers in the UK being more likely to switch to part-time employment (IFS 2018). This reflects a persistent gendered difference in care responsibilities and the high costs of childcare services in the UK (OECD 2020). Women are generally **overrepresented in part-time employment** (38 per cent versus 11 per cent of men in April 2020), which also tends to have lower pay rates than full-time employment (Francis-Devine & Ferguson 2020).

In the UK, women, as well as most ethnic minority groups and disabled people, generally tend to be **overrepresented in low paying and elementary occupations** (EHRC 2017). According to the UK Office for National Statistics (ONS),

---

“The gender pay gap grows steadily in the years after parents have their first child, culminating in a remarkable gender pay gap of 30 per cent by the time the child turns 13”

---

pay differences between occupations may account for almost a quarter of the gender pay gap (ONS 2017). Gender differences in career progression to higher roles within the same occupations may further explain gender differences in average pay (Francis-Devine & Ferguson 2020). Higher earners experienced a much larger gender pay gap compared to lower-paid employees (ONS 2020; Francis-Devine & Ferguson 2020).

Finally, the UK has one of the highest levels of **geographic inequality** in the developed world (Davenport & Zaranko 2020), with an uneven distribution of economic activity and job opportunities (EHRC 2017). Such regional variation is reflected in gender pay gap levels: each region of England has a higher gender pay gap than Scotland, Wales or Northern Ireland (ONS 2020). Northern Ireland shows the lowest gender pay gap for all employees (7.8 per cent), which is explained by a higher proportion of women employed in the public sector, which tends to have higher pay rates than the private sector of Northern Ireland (ONS 2020).

# Gender pay gap reporting in the United Kingdom

In 2010, the Brown government introduced the *Equality Act 2010* in England, Scotland and Wales (excludes Northern Ireland). Although this Act included gender pay gap reporting duties in the private and voluntary sector under Section 78, this section did not immediately come into force. Instead, the government decided to opt for a voluntary approach until push back required the government to run additional consultations on mandatory gender pay reporting.

Only in 2017 did the gender pay gap reporting duty come into effect with the implementation of the amended *Equality Act 2010*, which requires private and voluntary sector employers with 250 or more employees to publish gender pay gap reports.

Public sector employers in the UK are required to report under the *Equality Act 2010*, with a threshold of 250 employees in England. In Scotland's public sector, the *Equality Act 2010* require employers with more than 20 employees to report. No threshold is stipulated for the Welsh public sector the *Equality Act 2010*.

The number of employees is determined on the "snapshot date" – which is 5 April for private sector employers, 31 March for public sector employers in England, and 30 April for public sector employers in Scotland. Within 12 months of the snapshot date, each applicable UK employer must prepare, analyse and submit a gender pay gap report to the UK government website, where it is publicly available, and additionally upload it to their own organisation's website.

UK private and English public employers are required to include the below information:

- a. the **overall gender pay gap** (ie the difference between the hourly pay rate of male and female employees), calculated using both the mean and median average hourly pay;
- b. the **proportion of women and men in each of four pay bands** (quartiles), based on the employer's overall pay range;
- c. the **gender bonus gap** (ie the difference between both the mean and median bonus paid to male and female employees over a 12-month period);
- d. the proportion of male and female employees who were **paid a bonus** in the same 12-month period;
- e. a written statement, signed by an appropriate senior individual, certifying the **accuracy** of the published report; and
- f. employers can voluntarily include a **narrative explaining pay gaps** or other disparities, and setting out what action, if any, they plan to take to address them. While the provision of a narrative is strongly encouraged, it is not a mandatory requirement.



While the Scottish reports for public employers include substantially similar information as the requirements outlined above, these must be publicly published every two years. The Welsh Authorities are required to reduce wider socio-economic inequalities by:

- a. collecting and publicly publishing employment information on **pay and pay differences** as between male and female employees;
- b. publicly publishing an **equality objective** that addresses such pay difference together with a statement about the steps the Welsh Authority has taken (or intends to take) to meet this equality objective, when a gender pay gap has been identified;
- c. creating and publicly publishing an **action plan** setting out any policy it has on the need to address the causes of any gender pay differences, where an identified gender pay difference is, or is likely to be, for a reason that is related to the protected characteristic of sex; and
- d. preparing an **annual report** including, for example, the progress the Welsh Authority has made to fulfil each of its equality objectives (eg its gender pay difference equality objective) and a statement on the effectiveness of the steps it has taken in order to fulfil each of its objectives.

The Equalities and Human Rights Commission (EHRC) have the statutory powers to oversee the compliance with these reporting requirements. None of the above-mentioned regulations include sanctions against employers failing to comply with the reporting obligations. Still, under the *Equality Act 2006*, the EHRC holds enforcement power to investigate suspected violations and serve unlawful act notices if breaches occur, which would result in the employer having to develop an action plan detailing how the breach will be addressed and future breaches prevented.

In practice, warnings of opening statutory investigations were issued by the EHRC in 2019 to 46 companies that failed to meet the reporting deadline. After this, the EHRC launched formal investigations against six companies that still failed to comply and publicly named them. As a result, 99.9 per cent of relevant employers complied with the gender pay gap reporting obligation for the period 2018/2019 (compared to 100 per cent in 2017/2018) (GEO, 2019). As noted in *Gender Pay Gap Reporting: A Comparative Analysis* (2020), this successful compliance rate can in part be attributed to a collaborative approach with UK employers and additionally due to the threat of being publicly named.

.....  
“99.9 per cent of relevant employers complied with the gender pay gap reporting obligation for the period 2018/2019”  
.....

Enforcement of the reporting duty was suspended for the period 2019/20 due to the Covid-19 pandemic. Further, the EHRC announced a deadline

extension for submission of the 2020/21 reports, moving from the usual March/April deadline to October 2021 for all employers (Government Equalities Office 2021).

It is difficult to assess the impact of the legislation on the overall gender pay gap in the UK because the legislation only applies to a fraction of UK employers, and because the legislation has not been in place for long enough to establish clear trends.

For an analysis of the data available, the Government Equalities Office (GEO 2019) produces summaries of the gender pay gap reporting information. Between the periods 2017/18 and 2018/19, 48 per cent of median and 53 per cent of mean gender pay gaps reported by employers have narrowed. While these statistics might tentatively indicate that the reporting obligations could be having a positive effect on closing the gender pay gap, it should still be noted that 44 per cent of the reported median and mean gender pay gaps widened (GEO 2019). And still only **17 per cent** of companies reported they had more women than men among the highest 25 per cent of earners (GEO 2019).

---

“Between the periods 2017/18 and 2018/19, 48 per cent of median and 53 per cent mean gender pay gaps reported by employers has narrowed”

---

As of June 2019, **52 per cent** of relevant employers voluntarily published an action plan outlining how they intend to tackle their gender pay gap (GEO 2019) and some employers are taking steps to reach pay parity. This is relatively encouraging, but, as yet, there is no concrete evidence that the UK gender pay gap reporting regime is helping to reduce gender pay gaps or vertical segregation.

# A review of the United Kingdom's gender pay gap reporting system

## Legislative intent

The UK gender pay gap reporting regime was perceived by most stakeholders as being more about the representation of women within organisations than being actually about pay. Indeed, both the GEO and a former employer described pay as a “misdirection”. Beyond this focus on gender equality in terms of representation, most interviewees suggested that it was about engaging with employers and putting gender equality on their agenda. Paul Deemer (NHS Employers) described how the gender pay gap reporting system had brought the issue to board level and had employers “collecting the data and looking at exactly where the gaps are and what they need to do to address them”.

## Compliance, penalties and monitoring

The excellent compliance rate of 100 per cent for 2017/18 and 2018/19 was lauded. According to government (and former government) officials (GEO; Ayesha Hazarika) and trade union representatives (Kudisa Batool) the high compliance rate wouldn't have been possible under the voluntary approach in the early days of the coalition government of 2010. Only by writing this into law did companies start complying. Further, these stakeholders noted that the pandemic underlines the importance of enforcing the reporting as only around half of employers reported for the period 2019/20 when the obligation was suspended.

However, it seems as if the precedent has now been set for larger employers. The multinationals we spoke to suggested that they now feel it is an important part of their responsibility to report on gender pay gaps, and they and their competitors all reported gender pay gap information even when it was suspended.

Concerns have been raised around the accuracy of the gender pay gap reports submitted (anonymous employer). The EHRC had to contact 100 employers with a request for clarification of their reported data (Hilsenrath 2019). Even a brief search while writing this report turned up some issues in reported information, such as one gender gap having been calculated in reverse.

A major driver of compliance has been the media publicity and public shaming of non-complying companies, especially in the first year of reporting. Interviewees (Ayesha Hazarika, Joanna Gregson, EHRC; and employers) considered this an effective sanctioning mechanism. Jill Rubery (University of Manchester) did point out that social sanctioning only works with employers who are concerned about their reputation and suggested that certain employers might not necessarily feel threatened by negative publicity. To avoid “rogue employers” failing to comply, she considered financial sanctions necessary. Other stakeholders – including advocates, Joanna Gregson (EHRC), and some employers (Anonymous, Business in the Community) – seconded this

view, especially arguing for automatic penalties for non-submission, with one employer stating that the legislation in its current form “has no teeth”.

## Reported information

The prescriptive nature of the reporting obligation and the simplicity of the snapshot data was lauded by gender equality advocates we spoke to, as it facilitates interpretation and comparison of the data across organisations within the UK. Further, most stakeholders liked the use of quartiles and bonus gaps as a way of simply and clearly providing nuance to the overall headline.

.....  
“Overly focusing on the pay gap headline number can risk organisations seeking to window-dress their figures”  
.....

That being said, Jill Rubery (University of Manchester) pointed out that overly focusing on the pay gap headline number can risk organisations seeking to window-dress their figures by, for example, outsourcing lower-paid jobs, which in turn worsens overall gender segregation within the labour market. Instead, it is crucial that data on women’s representation at different levels of organisations and across the pay

quartiles are taken into consideration. Better understanding women’s (lack of) progression through the pipeline offers greater understanding of the dynamics of discrimination and pay inequality.

Most employers, however, considered the reported information problematic in one way or another. On the one hand it was viewed to be overly simplistic. There was seen to be no room for nuance to account for the differences between roles, tenure, seniority, responsibilities, and market relativity. It was not seen to compare like with like. Other issues – such as the lack of clear instructions on how to account for shareholding, and the lack of accounting for full-time and part-time employees – were argued to reduce the informative

.....  
“Better understanding women’s (lack of) progression through the pipeline offers greater understanding of the dynamics of discrimination and pay inequality.”  
.....

value of the headline figures. Some employers said that it was frustrating as, often, introducing beneficial measures, such as hiring more women, could in fact increase their gender gap in the short-term as the new hires would no doubt be on the lower end of the pay spectrum. Indeed, addressing the gap properly might take 10 or 20 years. These worries suggest that perhaps encouraging greater disclosure and a fuller narrative and the action plan would be helpful in providing the context around the figure and highlighting where other measures are in place.

Two other employers (anonymous) criticised the snapshot date. One said that they would

prefer a different date as April is the period in which bonuses were paid out to management and this is considered to unfairly skew the reported data. While another multinational employer worried that the opposite might happen with other payments being moved so as to be able to skew the data in the employers' favour. An annual summary, they argued, would be a fairer representation of pay.

One gap in the reported information is that **employers are not required to go beyond the statistics**. There is an option to provide a narrative or an action plan, but this is not obligatory. The mandatory inclusion of an action plan was an idea endorsed by almost all stakeholders.

## Transparency

We found high approval among stakeholders of the transparency of the gender pay gap reporting, given that it is **publicly available** and **easily usable**. More analysis on the data by the EHRC or GEO would be welcomed by stakeholders to better understand the dynamics. For instance, Close the Gap suggested that it would be useful to have regional or national summaries of the reported data to better understand geographic disparities in gender inequality. Others suggested the ability to compare by sector or a better way to compare over time.

---

“It would be useful to have regional or national summaries of the reported data to better understand geographic disparities in gender inequality.”

---

## Employer size and sector

We found that some gender equality advocates (Fawcett Society; Close the Gap) and some trade unions (Kudisia Batool, TUC), would prefer the threshold of 250 employees for private firms to be lowered in the UK to capture the working conditions of a **wider range of women**. Further, Kudisia Batool (TUC) argued that lowering the threshold would send an important signal of zero-tolerance for discrimination in all types and sizes of companies. The Fawcett Society is pushing for employers of 100 or more people to be included but would ideally like to get employers with 50 or more employees to report. By lowering the threshold, it was argued, pay inequalities of more women can be detected. A number of other stakeholders tentatively suggested that lowering the threshold

---

“Lowering the threshold would send an important signal of zero-tolerance for discrimination in all types and sizes of companies”

---

could be good. Lowering the threshold was considered especially important given many women work in smaller companies where there may well be less internal scrutiny of issues around equality.

The fear was raised that smaller employers might not have the capacity to do the reports properly. Some stakeholders pointed out that the process would be much quicker in smaller organisations. Further, Close the Gap pointed out that public sector employers in Scotland with 20 employees manage to report, which was argued to serve as an example of the feasibility for small employees. In any case, it would certainly be necessary to have **sufficient support and guidance** from the government if this change were to be introduced. One employer (anonymous) would ideally like to see a system developed which helps simplify the reporting process and which all employers can use.

Another issue with lowering the threshold is that the data from organisations with fewer employees is likely to be much less informative and is more likely to skew with small changes (Jill Rubery, University of Manchester; Joanna Gregson, EHRC; anonymous employer). As the GEO pointed out, certain calculations only become useful, and relatively stable, with a certain level of data. While this is important to note, as long as employers are not being penalised for large gaps, and while there is an opportunity for a narrative to explain the data, these issues are not prohibitive of including smaller organisations. It might be worth considering whether other indicators or sets of calculations could be used for the smaller employers.

Finally, it is worth mentioning that, while many stakeholders did favour lowering the threshold, it is unlikely to be a political priority in the current climate. Joanna Gregson (EHRC) argued that the priority at this point is to ensure that the system is working and that action plans be made mandatory as a first step in the improvement of the legislation.

## What are the strengths of the UK system?

A large majority of stakeholders considered gender pay gap reporting a positive development since it places gender pay considerations on employers' agendas and brings them into the boardroom on an annual basis. As such, particularly with the annual reporting obligation, much of the responsibility for gender pay inequality has been firmly placed into the hands of employer's leadership.

.....  
"The legislation provided momentum to consider the structural nature of gender pay inequality"  
.....

One of the key strengths of the UK legislation identified by stakeholders was the level of **transparency and compliance**. The media attention around the issue at the time of the legislation's implementation provoked overdue conversations, leaving a big impact culturally in the UK and beyond. As such, it was noted that the legislation provided momentum to consider the structural

.....  
“The legislation is considered an important tool for holding employers accountable by the government, the market, competitors and by employees”  
.....

nature of gender pay inequality and raised expectations of employers to be accountable in understanding and addressing any discrepancies.

Further, the **prescriptive nature** and **simplicity** of the information required to report was also considered an advantage of the UK system. One multinational employer (anonymous) argued that the simplicity of the system allows companies to **compare themselves to each other** which in turn increases accountability. The UK system was also lauded in that it allows the private and public sector to be benchmarked against each other, which helps

highlight the systemic nature of pay inequality. In these ways, the legislation is considered an important tool for holding employers accountable by the government, the market, competitors and by employees.

## What are the weaknesses of the UK system?

One main weakness of the UK system is that it only applies to employers with more than 250 employees. This is a **high threshold** and leaves a large portion of the workforce unaccounted for.

Further, the gender pay gap reporting system is simply a monitoring tool and does not require employers to actually do anything about their gender pay gaps. They can report enormous discrepancies and need not attempt to rectify them. The idea is that pressure from the media, employees and other stakeholders will drive them into action, but this is not always the case. In this context, stakeholders emphasised the importance of organisations producing an action plan with clear goals and timelines, detailing the ways that they seek to address the identified inequalities in terms of hiring practices, progression, promotion, and also workplace policies around family leave and flexible working.

.....  
“The gender pay gap reporting system... does not require employers to actually do anything about their gender pay gaps. They can report enormous discrepancies and need not attempt to rectify them”  
.....

A further, broader weakness is that the gender pay reporting system does not allow **structural factors** to be addressed, such as the **undervaluation of women’s work** or the **overrepresentation of women in part-time and low-paid employment**.

For instance, organisations, or even sectors, can record no gender pay gap

even when there are large gaps at the national level, as might be the case in the hospitality sector, where wages are extremely low for all workers.

## How could the UK's legislation be improved?

First and foremost, the stakeholders nearly unanimously pointed to the importance of introducing mandatory action plans that are time bound and offer measurable criteria. On the one hand this can complement the headline figures by offering more nuance and making employers engage more deeply with the complexity of the issue. Paul Deemer (NHS Employers) noted that

.....  
"Stakeholders nearly unanimously pointed to the importance of introducing mandatory action plans that are time bound and offer measurable criteria"  
.....  
because the required statistical information is simplistic, the development of an action plan is central to bridge the gap. This view was widely shared, with the majority of stakeholders voicing the introduction of a mandatory action plan to contextualise, grasp and address gender inequalities in organisations as the next crucial step in improving the reporting framework in the UK. Most importantly, having action plans will change the system from a monitoring tool to an action tool. This step would also be in line with the UN Committee on the Elimination of Discrimination Against Women (UN CEDAW), which underlines the importance of the UK

government encouraging employers to publish action plans and taking appropriate remedial measures.

Further, we found support for lowering the threshold of employees to capture potential pay inequalities in smaller companies. Even if the data might fluctuate more strongly within smaller employers, this move would still carry a significant signalling effect, helping prioritise gender pay equality and additionally increase accountability of smaller employers.

For both the introduction of action plans and the lowering of the threshold to include employers of over 100 or 50 employees, it is important that sufficient support and guidance would be provided to employers. This could be provided at the governmental level, but it might also be useful to get sector-level organisations involved (Susan Milner, University of Bath).

A number of stakeholders shared worries about the quality of reports submitted, the possible introduction penalties for non-submission, and the need for better guidance and support for employers – particularly if the threshold is lowered. This points to the need for the government departments to be more proactive in their monitoring and support role.

We received mixed opinions regarding the introduction of a mandatory ethnicity pay gap, although the importance of looking at pay, recruitment, retention and progression from an intersectional perspective was widely



recognised. Monitoring the pay gap using intersectional perspectives is more likely to bring greater nuance and direction when looking into creating actions to remedy gaps. Often one-size-fits-all solutions may benefit certain groups preferentially. One employer in favour (anonymous) pointed out the importance of bringing mandatory ethnicity pay gap reporting into law, stressing how much their company has benefited from voluntarily collecting and analysing the data. Critical voices were concerned with difficulties in achieving high enough self-disclosure rates to run useful statistical analyses, and questions around privacy with smaller numbers.

As an alternative, it was suggested by Joanna Gregson (EHRC) and Kudsia Batool (TUC) that companies are required to conduct broader equalities impact assessments, including intersectional analyses and expanding to other groups beyond women. Jill Rubery (University of Manchester) argued that such broad assessments should include employers disclosing their pay strategy and how it is compatible with equal pay, as this can help move the emphasis away from individualised, market-based pay rates and towards fair wage setting for all workers. In this context, the importance of mandatory action plans was reemphasised by the stakeholders.

## How else could the pay gap in the UK be targeted?

Employers provided useful insights to how organisations can address the gender pay gap internally, by focussing on improving **recruitment, retention and promotion practices**. For instance, workplace policies offering different working models and family leave for all employees were viewed as a central first step (NHS Employer, anonymous). One employer (anonymous) shared that their company benefited from involving employees in the development of action plans and running employee surveys to identify the major obstacles that the employees face in terms of working flexibly, wellbeing, and learning and training. Another employer (anonymous) in a male-dominated sector (manufacturing) found changing job descriptions to attract more women a useful approach, alongside increasing the visibility of women in their advertisement and marketing.

---

“Although companies should be held accountable, there are limitations to how much they can address the gender pay gap on a national level since gender pay inequality present a deep-running structural problem”

---

Kudsia Batool (TUC) and Jill Rubery (University of Manchester) pointed out that, although companies should be held accountable, there are limitations to how much they can address the gender pay gap on a national level since gender pay inequality present a deep-running structural problem. Jill Rubery

argued that small firms cannot be held accountable for reflecting long-standing, embedded undervaluation of certain industries and professions in their pay. Before jumping to the outcomes, it was argued that the government must take steps to strengthen **wage setting systems** and **sectoral bargaining** in the UK. This was considered especially important to improve the working and living conditions of employees at the bottom of the labour market, where women often find themselves concentrated.

As a further critical step gender equality advocates would like to see the UK government take is addressing the **undervaluation of whole sectors** and addressing **occupational segregation**. Rachael McIlroy (Royal College of Nursing) suggested that gender pay gap reporting was near to useless at addressing the undervaluation of nursing, and that a bigger government approach, and cultural shift, was needed.

In this vein, Close the Gap, Fawcett Society, Kudsia Batool (TUC) and Jill Rubery (University of Manchester) all mentioned: raising the minimum wage to a **real living wage**; improving **pay transparency**; **reducing full-time working hours** so women don't get stuck in undervalued sectors and part-time employment; and tackling the cost and difficulty of **balancing childcare** with work.

It is also worth mentioning that the UK court system has been effective in prosecuting employers who fail to implement equal pay or equal pay for work of equal value. In fact, hundreds of thousands of cases of wage discrimination have been heard in the UK courts, many with beneficial outcomes for women (Silvera 2013). However, due to the expense and personal toll of taking a case to court, this should not be prioritised as a tool for implementing gender equality or tackling the gender pay gap but should instead be a last resort.

# Conclusion

The UK system works well in the reporting of gender pay gaps among employers. It has **very high levels of compliance**, a **clear system** and **high levels of transparency** built into it. It has started conversations in large employers across the UK about gender pay gaps and how to address them. Overall, the stakeholders interviewed considered the gender pay gap reporting legislation to be a positive development and an important starting point. In particular, the prescriptive nature of the required information, and high level of transparency and compliance were highlighted. By having an annual reporting obligation, the legislation places gender pay inequality firmly on the agenda of companies and holds senior leadership to account, which can help positively influence recruitment and promotion practices and workplace policies.

“The legislation places gender pay inequality firmly on the agenda of companies and holds senior leadership to account, which can help positively influence recruitment and promotion practices and workplace policies”

However, the UK’s minimum employee threshold for reporting lies well above other countries surveyed in this report, eg 10 in Sweden, 50 in Spain and France, and 100 in Australia. Unsurprisingly, therefore, we found strong support for **lowering the threshold** of employees to capture potential pay inequalities in smaller companies. Even if the data might fluctuate more within smaller companies, it was argued that it would have a signalling effect, helping prioritise gender pay equality and additionally increase accountability of smaller firms.

“The UK legislation is currently only about reporting, not about implementing change”

Further, and most importantly, the UK legislation is currently only about reporting, not about implementing change. One stakeholder referred to the legislation having “no teeth” due its lack of automatic penalties for non-reporting – but this comment can more broadly be applied to the UK system overall, since it provides no obligation for employers to do anything about identified pay gaps. As such, for the legislation to really be effective, the stakeholders nearly unanimously

stressed that **action plans need to be made mandatory**. Ideally, according to some stakeholders, action plans and narratives would be embedded within a holistic equality assessment within companies to contextualise figures beyond the issue of pay.

These suggested changes would require an **expansion of the current bodies** dedicated to monitoring and running the gender pay gap reporting system the EHRC and the GEO. A more robust body would be able to provide greater

levels of support to employers and even provide monitoring of the reporting process from the government.

---

“The legislation is seen as a basic step and minimum requirement for making progress in closing the gender pay gap, it does not allow structural factors to be addressed”

---

As a final point, the legislation is seen as a basic step and minimum requirement for making progress in closing the gender pay gap, it does not allow structural factors to be addressed, for instance; the **gendered division of labour**, the **undervaluation of women’s work** or the **overrepresentation of women** in part-time and low-paid employment.

## Key suggestions

Drawing together the findings from our interviews, we suggest the following recommendations for improving the UK gender pay gap reporting legislation:

- Establish a **legal obligation** to publish action plans.
- **Lower** the minimum employee threshold.
- Introduce **automatic fines** for non-submission of reports.
- Increase the capacity of the GEO/EHRC to provide better guidance and support and conduct **more rigorous monitoring and analysis** of submitted data.

# Conclusion and references

# Conclusion

This report has been a deep dive into **six different gender pay gap reporting systems**. We have spoken to nearly **90 individuals** in **three continents** and in **three languages**. We have interviewed members of government, the heads of equality bodies, employers from multiple sectors and numerous experts and advocates. While this report is not a comprehensive survey of gender pay gap reporting worldwide, some clear themes have emerged from our interviews, pointing to ways that gender pay gap reporting systems can be reinforced and reinvigorated to ensure that these important mechanisms are having their intended effects.

Three key recommendations stood out from the others, **accountability and transparency, action**, and **enforcement**. The cases of Sweden and the UK exemplify the need for these three recommendations. In Sweden a beautifully designed system in a comparatively gender equal context is failing because it is neither enforced nor transparent. In the UK there is a transparent system with almost perfect compliance, but employers remain under no obligation to take action to address their gender gaps.

---

“We have heard how governments from the UK to Sweden to Australia have been propping up male-dominated sectors, while ignoring the stubbornly low pay of those teachers, carers and healthcare workers who have held up our societies... during the toughest months of the pandemic”

---

The full list of recommendations is also important for improving gender pay gap reporting systems. With these recommendations in place, gender pay gap reporting systems will be more effective and wider reaching. Each of these suggestions address important challenges that were raised in our interviews and led to serious criticism of different regimes.

Researching and writing this report during the Covid-19 pandemic has highlighted the acute need for workplace gender equality to be taken seriously. Women have suffered disproportionately during the pandemic and have been excluded from their employment at higher rates than men. We have heard how governments from the UK to Sweden to Australia have been propping up male-dominated sectors, while ignoring the stubbornly low pay of those teachers, carers and healthcare workers who have held up our societies, exposing themselves to greater risks during the toughest months of the pandemic. Pushing for greater gender equality is crucial during the coming years and months as societies start to rebuild and recover.

# Interviews

## Australia

- United Workers union, 26 March 2021
- Professor Beth Gaze, Co-Director of Studies, Employment and Labour Relations Law, University of Melbourne, 26 March 2021
- Catherine Fox, Journalist, 9 April 2021
- Professor Gillian Whitehouse, Emeritus Professor of Political Science, University of Queensland, 19 April 2021
- BHP, 21 April 2021
- Workplace Gender Equality Agency, 23 April 2021 (written)
- Champions for Change Coalition, 3 May 2021
- Australian Gender Equality Council, 5 May 2021
- BPW Australia (Equal Pay Alliance), 7 May 2021
- Philippa Hall, Career Gender Equality Adviser, 10 May 2021
- Herbert Smith Freehills, 12 May 2021
- SDA union, 24 May 2021
- Verve Super, 7 June 2021
- Dr Fiona MacDonald, Senior Research Fellow, Royal Melbourne Institute of Technology, 8 June 2021
- Professor Anne Junor, University of New South Wales, 16 June 2021
- Diversity Council of Australia, 18 June 2021
- Professor Sara Charlesworth, Professor of Work, Gender & Regulation and Deputy Head of School, (Research & Innovation) in the School of Management, Royal Melbourne Institute of Technology, 18 June 2021

## France

- Rebecca Amsellem, Founder and President, Les Glorieuses, 5 March 2021
- Clotilde Coron, Associate Professor, IAE de Paris, 26 March 2021
- Gaëlle Proust, Banque de France, 1 April 2021
- Rachel Silvera, Université PARIS-NANTERRE, 9 April 2021
- Michel Miné, Conservatoire National des Arts et Métiers, 30 April 2021
- Chiara Corazza, Managing Director of the Women's Forum for the

Economy & Society, written response

- ♦ Anonymous, a multinational employer, 5 May 2021
- ♦ Sylvie Leyre, 10 May 2021
- ♦ Cécile Guillaume, University of Surrey, 25 May 2021
- ♦ Valérie Hoffenberg, President of the Connecting Leaders Club & Co-founder of the Think Tank Agir pour l'Égalité, 3 June 2021
- ♦ Vincent Arnaud Chappe, École des hautes études en sciences sociales (EHESS), 30 April 2021

## South Africa

- ♦ Professor Anita Bosch, University of Stellenbosch Business School, 14 April 2021
- ♦ An economist, 16 April 2021
- ♦ Gilad Isaacs, Institute for Economic Justice, 20 April 2021
- ♦ Johan Botes, Baker McKenzie, 30 April 2021
- ♦ Leila Ebrahimi, PwC South Africa, 5 May 2021
- ♦ Neva Makgetla, Trade and Industrial Policy Strategies (TIPS), 7 May 2021
- ♦ Ramona Kasavan, 3 June 2021

## Spain

- ♦ Eva Fernández Urbón, National Secretary for Equality and Social Responsibility at CSIF, 8 March 2021
- ♦ Raquel Gomez Merayo, Federal Secretariat of Women and Equality in Labour Commission, 12 March 2021
- ♦ Carlos Victoria Lanzón, EsadeEcPol, 25 March 2021
- ♦ Begoña Suárez Suárez, Instituto de las Mujeres, 25 May 2021
- ♦ Anonymous, expert, 26 March 2021
- ♦ Margarita Torre Fernández, Universidad Carlos III de Madrid, 31 March 2021
- ♦ María Romero Paniagua, Analistas Financieros Internacionales (AFI), 6 April 2021



- María Gema Quintero Lima, Universidad Carlos III de Madrid, 12 April 2021
- Patricia Nieto Rojas, Universidad Carlos III de Madrid, 16 April 2021
- Pablo Gimeno Díaz de Atauri, Universidad Carlos III de Madrid, 20 April 2021
- Sandra Deltell Díaz, PricewaterhouseCoopers, 21 April 2021
- Ana Polanco Alvarez, ClosinGap, 23 April 2021
- Anna Merino Costello, Closin Gap, 23 April 2021
- Ana Fernández de Vega, Presidenta de la Asociación Profesional de Consultoría de Género de España [President of the Spanish Association of Gender Consultancy], 12 May 2021
- Carmen Seisdedos Alonso, Vicepresidenta de la Asociación de Mujeres en el Sector Público, 2 June 2021
- Anonymous, director of human resources at a large Spanish financial services company, 3 June 2021
- Cristina Vásquez, Federación Empresarial de la Industria Química Española, 3 June 2021
- Natalia Díaz Santín, International Labour Organisation (ILO), 26 March 2021

## Sweden

- Marie Trollvik, Gender Equality expert at Lönelotsarna, 16 February 2021
- Laura Carlson, Professor of Law at Stockholm University, 23 February 2021
- John Ekberg, Director of Public Statistics on Salaries and Wages, Medlingsinstitutet / National Mediation Office, 25 February 2021
- Eberhard Stüber, Jämställdhets Mydigheten / Swedish Gender Equality Agency, 1 March 2021 – His views do not reflect those of the Swedish Gender Equality Agency but are his own.
- Jenny Andersson, Strategic project manager and expert in the labour market at finance at Sveriges Kvinnolobby, 2 March 2021
- Peter Tai Christensen, Team manager of the Collective Bargaining and Policy Unit at Unionen, 2 March 2021
- A member of a government department, 5 March 2021

- Edel Karlsson Håål, Salary Formation Consultant at Svenskt Näringsliv (Confederation of Swedish Enterprise), 11 March 2021
- Anita Nyberg, Professor at Stockholm University, written reply received 12 March 2021
- Alma Kastlander Nygren, Central Negotiator and Union Ombudsman at Vårdförbundet, 12 March 2021
- Anonymous, employers' organisation representative, 31 March 2021
- Diskrimineringsombudsmannen (DO), written response to questions

## United Kingdom

- Fawcett Society, 16 March 2021
- Anna Ritchie Allan, Executive Director, Close the Gap, 17 March 2021
- Anonymous, private sector employers' organisation, 17 March 2021
- Josie Irwin, National Women's Officer, UNISON, 23 March 2021
- Ayesha Hazarika, journalist and former political advisor, 24 March 2021
- Government Equalities Office, 25 March 2021
- Joanna Gregson, Head of Enforcement at the Equality and Human Rights Commission, 26 March 2021
- Dianne Greyson, Founder of Ethnicity Pay Gap Campaign, 26 March 2021
- Kudsia Batool, Head of Equalities and Strategy at the Trade Union Congress (TUC), 31 March 2021
- Charlotte Woodworth, Business in the Community, 31 March 2021
- Jill Rubery, Director of the Work and Equalities Institute at the University of Manchester, 7 April 2021
- Rachael McIlroy, Senior Research Lead, Royal College of Nursing, 12 April 2021
- Paul Deemer, Head of Diversity and Inclusion, NHS Employers, 14 April 2021
- Mohammed Jogi, NHS Employers, 14 April 2021
- Anonymous, HR Manager at manufacturing company with over 250 employees in the UK, 20 April 2021
- Susan Milner, Professor at University of Bath, 3 June 2021

## Multinational employers speaking at an international level

- ♦ Anonymous, previous experience heading Diversity and Inclusion at a multinational corporation, 24 March 2021
- ♦ Anonymous, head of HR at a multinational employer, 1 April 2021
- ♦ Anonymous, Manager of Remuneration at a multinational employer, 1 April 2021
- ♦ Anonymous, works in Diversity and Inclusion at a multinational employer, 26 April 2021
- ♦ Anonymous, multinational employer, 20 April 2021
- ♦ Anonymous, Director of Compensation and Benefits at a multinational employer, 21 April 2021

# Bibliography

## General

Business in the Community (2021) *Gender Equality Route Map*.

Accessible via: <https://www.bitc.org.uk/wp-content/uploads/2021/03/bitc-report-gender-route-map-gender-equality-march21.pdf>

Close The Gap (2021) *Gender Pay Gap Statistics – Close The Gap Working Paper 22*.

Equality and Human Rights Commission (EHRC) (2015) *Pregnancy and Maternity-Related Discrimination and Disadvantage – First Findings: Surveys of Employers and Mothers*.

Equality and Human Rights Commission (EHRC) (2016) *Three in four working mothers say they've experienced pregnancy and maternity discrimination*.

Equalities and Human Rights Commission (EHRC) (2017). *Fair opportunities for all: A strategy to reduce pay gaps in Britain*.

Accessible via: <https://www.equalityhumanrights.com/en/publication-download/fair-opportunities-all-strategy-reduce-pay-gaps-britain>

European Union (2019) *Report on equality between women and men in the EU*, European Union.

Francis-Devine, B. and Ferguson, B. (2020) *The Gender Pay Gap*, Briefing Paper Number 7068, 23 November, House of Commons Library.

Gates Foundation (2019) *Women's Economic Empowerment, literature review of health outcomes*.

Accessible via: [https://www.gatesfoundation.org/equal-is-greater/static/WEW%20health%20outcomes\\_v7-74aad3fed6bf9b02a0e30f4ddb9b794a.pdf](https://www.gatesfoundation.org/equal-is-greater/static/WEW%20health%20outcomes_v7-74aad3fed6bf9b02a0e30f4ddb9b794a.pdf)

Global Institute for Women's Leadership and the Fawcett Society (2020).

*Gender Pay Gap Reporting: A Comparative Analysis*.

Accessible via: <https://www.kcl.ac.uk/giwl/assets/gender-pay-gap-reporting-a-comparative-analysis.pdf>

González, M. José, Clara Cortina and Jorge Rodríguez (2019) 'The Role of Gender Stereotypes in Hiring: A Field Experiment' *European Sociological Review*, 35(2) pp. 187-204.

International Labour Organization (ILO). (2018). *Global wage report 2018/19: What lies behind gender pay gaps*. Geneva: ILO.

Accessible via: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_650553.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf)

International Labour Organisation (ILO). (2019). *The power of Small: Unlocking the potential of SMEs*. Geneva: ILO.

Accessible via: <https://www.ilo.org/infostories/en-GB/Stories/Employment/SMEs#intro>

Rubery, J. and Koukidaki, A. (2016) *Closing the gender pay gap: A review of the issues, policy mechanisms and international evidence*, International Labour Office.

Rubery J. and Koukiadaki, A. (2018) 'Institutional Interactions in Gender Pay Equity: A Call for Inclusive, Equal and Transparent Labour Markets', *University of Oxford Human Rights Hub Journal*, 1.

Rubery, J. and Johnson, M. (2019) *Closing the Gender Pay Gap: What Role for Trade Unions? ILO ACTRAV Working Paper*, International Labour Organisation.

Trade Union Congress (TUC). (2021) *Pregnant and precarious: New and expectant mum's experiences of work during COVID-19*

Accessible via: <https://www.tuc.org.uk/sites/default/files/2020-06/PregMatCovid-19.pdf>

Woodhams, C. (2020) *Mend the Gap: The Independent Review into Gender Pay Gaps in Medicine in England*.

World Bank data.

Accessible via: [https://data.worldbank.org/indicator/NY.ADJ.NNTY.PC.KD?end=2019&locations=SE-AU-FR-GB-ZA-ES&name\\_de-sc=true&start=1970&view=chart](https://data.worldbank.org/indicator/NY.ADJ.NNTY.PC.KD?end=2019&locations=SE-AU-FR-GB-ZA-ES&name_de-sc=true&start=1970&view=chart)

World Economic Forum (WEF) (2021). *Global Gender Gap report 2021: Insight Report*. Geneva: Switzerland.

Accessible via [http://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](http://www3.weforum.org/docs/WEF_GGGR_2021.pdf)

World Economic Forum (2020) *Global Gender Gap Report 2021*. Geneva: Switzerland. Accessible via: <https://www.weforum.org/reports/global-gender-gap-report-2021>

World Economic Forum. (2019). *Global Gender Gap Report 2020*. Geneva: Switzerland.

Accessible via: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

## Australia

Affirmative Action Agency (Australia). (1992). *Quality and Commitment: The Next Steps: the Final Report of the Effectiveness Review of the Affirmative Action*

(*Equal Employment Opportunity for Women*) Act 1986. Australian Government Pub. Service.

Ainsworth, S., Knox, A., & O’Flynn, J. (2010). ‘A blinding lack of progress’: management rhetoric and affirmative action. *Gender, Work & Organization*, 17(6), 658-678.

Australian Bureau of Statistics (ABS) (2021). *Average weekly earnings*. Accessible via: <https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/average-weekly-earnings-australia/latest-release#average-weekly-cash-earnings>

Australian Human Rights Commission (AHRC) (2018). *Everyone’s business: Fourth national survey on sexual harassment in Australian workplaces*. Accessible via: <https://humanrights.gov.au/our-work/sex-discrimination/publications/everyones-business-fourth-national-survey-sexual>

Bevan, D. (1998). Unfinished business: Equity for women in Australian workplace. “Final report of the Regulatory Review of the Affirmative Action (Equal Employment Opportunity for Women) Act 1986”. Commonwealth Government of Australia.

Braithwaite, V. (1993). The Australian government’s affirmative action legislation: Achieving social change through human resource management. *Law & Policy*, 15(4), 327-354.

Cassells, R. and Duncan, A (2021), *Gender Equity Insights 2021: Making it a priority*, BCEC|WGEA Gender Equity Series, Issue #6, March 2021.

Charlesworth, S., and Smith, M. (2018). ‘Gender pay equity’, pp.85-102. In Stewart, A., Stanford, J., & Hardy, T. *The wages crisis in Australia: what it is and what to do about it*. University of Adelaide Press.

Clare, R. 2019. *Better retirement outcomes: a snapshot of account balances in Australia*. Report for The Association of Superannuation Funds of Australia Limited.

Charlesworth, S., & Macdonald, F. (2014). Women, work and industrial relations in Australia in 2013. *Journal of Industrial Relations*, 56(3), 381-396.

French, E., & Strachan, G. (2007). Equal opportunity outcomes for women in the finance industry in Australia: Evaluating the merit of EEO plans. *Asia Pacific Journal of Human Resources*, 45(3), 314-332.

KPMG (2010). Review of the Equal Opportunity for Women in the Workplace Act 1999 Consultation Report. Office for Women, Australian Department of Families, Housing, Community Services and Indigenous Affairs, Canberra:

Australia.

Macneil, J., & Liu, Z. (2017). The role of organizational learning in soft regulation of workplace gender equality. *Employee Relations*. Vol.39, iss.3; pp.317-334.

National Museum of Australia (NMA) (2021). *Equal pay for women*. Accessible via: <https://www.nma.gov.au/defining-moments/resources/equal-pay-for-women>

National Museum of Australia (NMA) (2021). *Women's suffrage*. Accessible via: <https://www.nma.gov.au/defining-moments/resources/womens-suffrage>

Peetz, D., Gardner, M., Brown, K. and Berns, S. (2008), "Workplace effects of equal employment opportunity legislation: the Australian experience", *Policy Studies*, Vol. 29 No. 4, pp. 405-419.

Smith, M., & Whitehouse, G. (2020). Wage-setting and gender pay equality in Australia: Advances, retreats and future prospects. *Journal of Industrial Relations*, 62(4), 533-559.

Sydney Morning Herald (SMH) (2021). *Flouting discrimination rules no barrier to winning government contracts*, David Crowe, 21 May 2021. Accessible via: <https://www.smh.com.au/politics/federal/gender-reporting-federal-funds-to-companies-flouting-rules-20210321-p57cpm.html>

Tilley, J. 2014. *Diversity Council Australia's Submission to the Public Consultation on Reporting Requirements under the Workplace Gender Equality Act 2012*. Diversity Council of Australia, Melbourne: Australia.

United Nations Development Program (UNDP) (2021). *Human Development Index Ranking*. Accessible via: <http://hdr.undp.org/en/content/latest-human-development-index-ranking>

Workplace Gender Equality Agency (WGEA), (2021). *Data Explorer*. Accessible via: <https://data.wgea.gov.au/>

Workplace Gender Equality Agency (WGEA), (2020). *Annual Report 2019-20*. Accessible via: <https://www.wgea.gov.au/sites/default/files/documents/wgea-annual-report-19-20.pdf>

Workplace Gender Equality Agency (WGEA), (2019). *Higher education enrolments and graduate labour market outcomes*. Accessible via: <https://www.wgea.gov.au/publications/higher-education-enrol->

### [ments-and-graduate-labour-market-statistics](#)

Workplace Gender Equality Agency (WGEA), (2014). *Annual Report 2019-20*.

Accessible via:

[https://www.wgea.gov.au/sites/default/files/documents/wgea\\_annual\\_report\\_14\\_15.pdf](https://www.wgea.gov.au/sites/default/files/documents/wgea_annual_report_14_15.pdf)

Workplace Gender Equality Agency (WGEA) (2021b). *My two cents: Libby Lyons*.

Accessible via: <https://www.wgea.gov.au/newsroom/my-two-cents-libby-lyons>

Workplace Gender Equality Agency (WGEA), (2014b). *Women's economic security in retirement*.

Accessible via: <https://www.wgea.gov.au/sites/default/files/documents/Women%27s%20economic%20security%20in%20retirement.pdf>

World Economic Forum (WEF) (2021). *Global Gender Gap report 2021: economy profiles*.

Accessible via: <https://www.weforum.org/reports/global-gender-gap-report-2021/in-full/economy-profiles>

World Economic Forum (WEF) (2014). *Global Gender Gap report 2014: economy profiles*.

Accessible via: [http://www3.weforum.org/docs/GGGR14/GGGR\\_CompleteReport\\_2014.pdf](http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf)

## **France**

Agence nationale pour l'amélioration des conditions de travail. (2012) *Les lois Auroux : une étape clé de l'histoire de l'amélioration des conditions de travail*.

Accessible via: <https://www.anact.fr/les-lois-auroux-une-etape-cle-de-l-histoire-de-lamelioration-des-conditions-de-travail>

Blanchard, Soline and Sophie Pochic. (2021) *Quantifier l'égalité au travail : outils politiques et enjeux scientifiques*, Presses Universitaires de Rennes, SAIC Édition, Université Rennes 2, France.

Chappe, Vincent-Arnaud. (2019) *L'égalité au travail : justice et mobilisations contre les discriminations*, Presses des Mines, Transvalor, Paris, France.

Chappe, Vincent-Arnaud. (2021) "Pièce maîtresse" de la loi ou simple "état statistique" ? Genèse, vie et mort du rapport de situation comparée'. In *Quantifier l'égalité au travail : outils politiques et enjeux scientifiques*, edited by Soline Blanchard and Sophie Pochic, Presses Universitaires de Rennes, SAIC Édition, Université Rennes 2, France.



Code Civil du 21 mars 1804 'Code Napoléon'.

Accessible via: [https://www.trans-lex.org/601100/\\_/french-code-civil-1804/](https://www.trans-lex.org/601100/_/french-code-civil-1804/)

Constitution de la République Française du 27 octobre 1946, IVe République.

Accessible via: <https://www.legifrance.gouv.fr/contenu/menu/droit-national-en-vigueur/constitution/preambule-de-la-constitution-du-27-octobre-1946>

Décret n° 2012-1408 du 18 décembre 2012 relatif à la mise en œuvre des obligations des entreprises pour l'égalité professionnelle entre les femmes et les hommes, NOR : ETST1239390D, JORF n°0295 du 19 décembre 2012.

Accessible via: <https://www.legifrance.gouv.fr/loda/id/JORF-TEXT000026792583/>

Direction Générale De La Cohésion Sociale, Ministère Chargé De L'Égalité Entre Les Femmes Et Les Hommes. (2020) De La Diversité Et De L'Égalité Des Chances, Vers L'Égalité Réelle Entre Les Femmes Et Les Hommes, Chiffres-Clés-Édition.

Accessible via: <https://www.egalite-femmes-hommes.gouv.fr/publications/droits-des-femmes/egalite-entre-les-femmes-et-les-hommes/vers-legalite-reelle-entre-les-femmes-et-les-hommes-chiffres-cles-edition-2020/>

Duclos-Grisier, Anne. (2021) *Droits des femmes : où en est l'égalité professionnelle?*. Vie publique.

Accessible via: <https://www.vie-publique.fr/eclairage/19602-droits-des-femmes-ou-en-est-legalite-professionnelle>

Gouvernement. (2019) Un index pour mettre fin aux inégalités salariales femmes-hommes, Actualité.

Accessible via: <https://www.gouvernement.fr/un-index-pour-mettre-fin-aux-inegalites-salariales-femmes-hommes>

INSEE. (2011) Couple, famille, parentalité, travail des femmes: les modèles évoluent avec les générations, INSEE RÉFÉRENCES (1339).

Accessible via: <https://www.insee.fr/fr/statistiques/1281216>

INSEE. (2020) Les inégalités sociales à l'épreuve de la crise sanitaire : un bilan du premier confinement, INSEE RÉFÉRENCES.

Accessible via: <https://www.insee.fr/fr/statistiques/4797670>

Institut Montaigne. (2019) 'Agir pour la parité, performance à la clé', note juillet 2019.

Accessible via: <https://www.institutmontaigne.org/ressources/pdfs/publications/agir-pour-la-parite-performance-la-cle-note.pdf>

Haut Conseil à l'Égalité entre les femmes et les hommes. (2021) 10 ans après

l'adoption de la loi COPE-ZIMMERMANN, le Haut Conseil à l'Égalité appelle à étendre le dispositif et à renforcer son suivi, Actualités.

Accessible via: <https://www.haut-conseil-egalite.gouv.fr/parite/actualites/article/10-ans-apres-l-adoption-de-la-loi-cope-zimmermann-le-haut-conseil-a-l-egalite>

LOI n°72-1143 du 22 décembre 1972 relative à l'Égalité De Rémunération Entre Les Hommes et Les Femmes.

Accessible via: <https://www.legifrance.gouv.fr/jorf/id/JORF-TEXT000000875404>

LOI n° 83-635 du 13 juillet 1983 portant modification du code du travail et du code pénal en ce qui concerne l'égalité professionnelle entre les femmes et les hommes, JORF du 14 juillet 1983.

Accessible via: <https://www.legifrance.gouv.fr/loda/id/JORF-TEXT000000504474/>

LOI du 2 novembre 1892 sur le travail des enfants, des filles et de femmes dans les établissements industriels.

Accessible via: [https://travail-emploi.gouv.fr/IMG/pdf/Loi\\_du\\_2\\_novembre\\_1892.pdf](https://travail-emploi.gouv.fr/IMG/pdf/Loi_du_2_novembre_1892.pdf)

LOI n° 2001-397 du 9 mai 2001 relative à l'égalité professionnelle entre les femmes et les hommes, NOR : MESX0004004L.

Accessible via: <https://www.legifrance.gouv.fr/loda/id/JORF-TEXT000000756495/>

LOI n° 2006-340 du 23 mars 2006 relative à l'égalité salariale entre les femmes et les hommes, NOR : MCPX0500038L.

Accessible via: <https://www.legifrance.gouv.fr/loda/id/JORF-TEXT000000816849/>

LOI n° 2010-1330 du 9 novembre 2010 portant réforme des retraites, NOR : MTSX1016256L.

Accessible via: <https://www.legifrance.gouv.fr/loda/id/JORF-TEXT000023022127/>

LOI n° 2011-103 du 27 janvier 2011 relative à la représentation équilibrée des femmes et des hommes au sein des conseils d'administration et de surveillance et à l'égalité professionnelle, NOR: MTSX1001906L, JORF n°0023 du 28 janvier 2011.

Accessible via: <https://www.legifrance.gouv.fr/jorf/id/JORF-TEXT000023487662>

LOI n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes, NOR : FVJX1313602L, JORF n°0179 du 5 août 2014.

Accessible via: <https://www.legifrance.gouv.fr/loda/id/JORF-TEXT000029330832/>

LOI n° 2015-994 du 17 août 2015 relative au dialogue social et à l'emploi, NOR : ETSX1508596L, JORF n°0189 du 18 août 2015.

Accessible via: : <https://www.legifrance.gouv.fr/loda/id/JORF-TEXT000031046061/>

LOI n° 2016-1088 du 8 août 2016 relative au travail, à la modernisation du dialogue social et à la sécurisation des parcours professionnels, NOR : ETSX1604461L, JORF n°0184 du 9 août 2016.

Accessible via: <https://www.legifrance.gouv.fr/loda/id/JORF-TEXT000032983213/>

LOI n° 2018-771 du 5 septembre 2018 pour la liberté de choisir son avenir professionnel, NOR : MTRX1808061L, JORF n°0205 du 6 septembre 2018.

Accessible via: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000037367660/>

Lemière S et Silvera R. (2010). Un salaire égal pour un travail de valeur comparable entre les femmes et les hommes. Résultats de comparaisons d'emplois', La revue de l'ires N66-2010/3.

Accessible via: [https://9fb5ca2b-7cca-4a2d-b29d2deab24fdb0.filesusr.com/ugd/88e6e9\\_46f268e7531143b1a456b5d2dfabdfc0.pdf](https://9fb5ca2b-7cca-4a2d-b29d2deab24fdb0.filesusr.com/ugd/88e6e9_46f268e7531143b1a456b5d2dfabdfc0.pdf)

Lemière S and et Silvera R. (2014). Là OÙ EN EST-ON DE LA SÉGRÉGATION PROFESSIONNELLE ? Découverte, Regards croisés sur l'économie 2014/2 (15) 121-136.

Accessible via: <https://www.cairn.info/revue-regards-croises-sur-l-economie-2014-2-page-121.htm>

Mainguené, A. (2011) Couple, famille, parentalité, travail des femmes, Les modèles évoluent avec les générations, INSEE PREMIÈRE, No 1339.

Accessible via: <https://www.insee.fr/fr/statistiques/1281216>

NewsTank. (2020) Égalité professionnelle femmes-hommes : « L'index 2021 sera publié le 08/03/2021 » (Matignon).

Accessible via: <https://rh.newstank.fr/tour>

Sénat. (2021) Proposition de loi relative à l'égalité salariale entre les hommes et les femmes : Égalité salariale entre les femmes et les hommes, Travaux Parlementaires, Rapports d'information.

Accessible via: <https://www.senat.fr/rap/r11-334/r11-3344.html>

Silvera R. (2008) Gender segregation in the labour market: roots, implications and policy responses in France.

Accessible via: [https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9\\_cb31a254778a4a0190699d49d6ba8209.pdf](https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9_cb31a254778a4a0190699d49d6ba8209.pdf)

Silvera R. (2012). « Les syndicats, des acteurs de l'égalité eux-mêmes exemplaires ? Une comparaison européenne », *in* Dauphin S., Senac R. (dir) *Femmes-hommes : l'égalité en questions*, coll. les études de la Documentation française. Accessible via: [https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9\\_30d1283cd0114357802b0550b0c6311d.pdf](https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9_30d1283cd0114357802b0550b0c6311d.pdf)

Silvera R. (2013). Les écarts de rémunérations en Europe *in Travail et Genre dans le monde*, M. Maruani (dir.), La Découverte. Accessible via: [https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9\\_4dadeb9828344a7f8073b804cc8b3dfb.pdf](https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9_4dadeb9828344a7f8073b804cc8b3dfb.pdf)

Silvera, Rachel and Michelle Perrot. (2014). *Un Quart En Moins : Des Femmes Se Battent Pour En Finir Avec Les Inégalités de Salaires*. Cahiers Libres. Paris : La Découverte.

Silvera R. (2014). L'effet de la crise et des politiques d'austérité sur l'emploi des femmes en France et en Europe. Accessible via: [https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9\\_66a909cfdc8846518fc31c3a0b327f79.pdf](https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9_66a909cfdc8846518fc31c3a0b327f79.pdf)

Silvera R. (2021). Travail des femmes, une émancipation inachevée. *Esprit*. 59-66. Accessible via: [https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9\\_4b47948b9d184f4d94a188a7ba20681d.pdf](https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9_4b47948b9d184f4d94a188a7ba20681d.pdf)

Silvera R. (2020). Travailler au temps du Covid-19 : les inégalités femmes-hommes en chiffres. Accessible via: <https://theconversation.com/travailler-au-temps-du-Covid-19-les-inegalites-femmes-hommes-en-chiffres-140589>

Silvera R. (2020) Des inégalités salariales aux inégalités professionnelles. Accessible via: [https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9\\_7e2b08b11da545778c37bde5deea920c.pdf](https://9fb5ca2b-7cca-4a2d-b29d-2deab24fdbe0.filesusr.com/ugd/88e6e9_7e2b08b11da545778c37bde5deea920c.pdf)

World Economic Forum (2021) *Global Gender Gap Report, Insight Report*, Geneva: Switzerland. Accessible via: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](http://www3.weforum.org/docs/WEF_GGGR_2021.pdf)

## Spain

Central Sindical Independiente y de Funcionarios. (2021) Informe Brecha Salarial De Género.

CEOE Empresas españolas. (2019) Análisis de la brecha salarial de género en España: identificando las causas para encontrar las soluciones.

Accessible via: <https://www.ceoe.es/es/publicaciones/social/analisis-de-la-brecha-salarial-de-genero-en-espana-identificando-las-causas>

ClosinGap. (2021) Primer indicador ClosingGap sobre el coste de oportunidad de la desigualdad de género en la economía española.

Comisiones Obreras. (2021) Informe Brecha Salarial De Género.

‘Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

Accessible via: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0085>

Espuny Tomás, María Jesús. (2007) Aproximación Histórica Al Principio De Igualdad De Género (III): Las Reglamentaciones De Trabajo, Observatorios De La Desigualdad. IUSLabor. Revista d’anàlisi de Dret del Treball, Flash Judicial (2).

Accessible via: <https://raco.cat/index.php/IUSLabor/article/view/72329>

Fernández, Rosa. (2021) Índice De La Brecha De Género Por Indicador En España 2020. Statista.

Accessible via: <https://es.statista.com/estadisticas/624977/indice-de-la-brecha-de-genero-por-indicador-espana/>

Gestha, sindicato de técnicos del ministerio de hacienda. (2021) Gestha estima que las mujeres aún cobran casi 5.000 euros menos que los hombres.

Accessible via: <https://www.gestha.es/index.php?seccion=actualidad&num=817>

Instituto de la Mujer y para la Igualdade de Oportunidades. (2015) Medidas que aplican las empresas de la Red de empresas con distintivo “Igualdad en la Empresa” para eliminar la brecha salarial de género.

Accessible via: [https://www.igualdadenlaempresa.es/recursos/monograficos/docs/Medidas\\_contra\\_la\\_brecha\\_salarial\\_empresas\\_Red\\_DIE.pdf](https://www.igualdadenlaempresa.es/recursos/monograficos/docs/Medidas_contra_la_brecha_salarial_empresas_Red_DIE.pdf)

Instituto Nacional de Estadística. (2015) Estructura y dinamismo del tejido empresarial en España, Notas de prensa.

Accessible via: <https://www.ine.es/prensa/np924.pdf%22>

León, M. (2014). *Gender Equality Policies and Social Policies in Spain: Origin, Development and Dismantlement in a context of economic crisis*. Investi-

gaciones Feministas (5) 13-35. Accessible via: [https://ddd.uab.cat/pub/art-pub/2016/214949/invfem\\_a2014v5p13.pdf](https://ddd.uab.cat/pub/art-pub/2016/214949/invfem_a2014v5p13.pdf)

Ley 56/1961, De 22 De Julio, Sobre Derechos Políticos Profesionales Y De Trabajo De La Mujer.”. 1961. «BOE» Núm. 175, De 24 De Julio De 1961, Páginas 11004 A 11005.  
Accessible via: <https://www.boe.es/buscar/doc.php?id=BOE-A-1961-14132>

Ley 9/2017, De 8 de Noviembre, sobre Contratos del Sector Público, por la que se transponen al ordenamiento jurídico español las Directivas del Parlamento Europeo y del Consejo 2014/23/UE y 2014/24/UE, de 26 de febrero de 2014.”. 2017. «BOE» núm. 272, de 09/11/2017.  
Accessible via: <https://www.boe.es/buscar/act.php?id=BOE-A-2017-12902>

Miralles Beviá, P. (2021) Sanciones por no cumplir con las obligaciones relativas al Plan de Igualdad. Devesa&Calvo Abogados.  
Accessible via: <https://www.devesaycalvo.es/sanciones-por-no-cumplir-con-las-obligaciones-relativas-al-plan-de-igualdad/>

Ortiz Heras, M. (2006). *MUJER Y DICTADURA FRANQUISTA*. Aposta revista de ciencias sociales (28).  
Accessible via: <http://www.apostadigital.com/revistav3/hemeroteca/ortizheras.pdf>

Valdivia, Ana Garcia. (2019) Spain Is Now In The World’s Top 10 For Gender Equality—This Is How Progress Happened, Forbes.  
Accessible via: <https://www.forbes.com/sites/anagarciavaldivia/2019/12/20/spain-enters-the-worlds-top-10-for-gender-equality/>

Valiente Fernández, C. (1994). *EL FEMINISMO DE ESTADO EN ESPAÑA: EL INSTITUTO DE LA MUJER, 1983-1994*. Estudio/ Working Paper.  
Accessible via: [https://e-archivo.uc3m.es/bitstream/handle/10016/4207/valiente\\_feminismo\\_1994.pdf](https://e-archivo.uc3m.es/bitstream/handle/10016/4207/valiente_feminismo_1994.pdf)

World Economic Forum (2021) Global Gender Gap Report, Insight Report, Geneva: Switzerland.  
Accessible via: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](http://www3.weforum.org/docs/WEF_GGGR_2021.pdf)

## South Africa

African Development Bank Group (ADB) (2015) *Africa Gender Index Report 2015*. African Development Bank Group. Abidjan, Côte d’Ivoire.  
Accessible via: [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/African\\_Gender\\_Equality\\_Index\\_2015-EN.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/African_Gender_Equality_Index_2015-EN.pdf)

African Development Bank Group (ADB) (2019) *Africa Gender Index Report 2019*. African Development Bank Group. Abidjan, Côte d'Ivoire.  
Accessible via: <https://www.afdb.org/en/documents/africa-gender-index-report-2019-analytical-report>

Budlender, D. (2019). Unresolved issues: Equal pay for work of equal Value. *Agenda*, 33(4), pp. 62-66.

Bosch, A. and Barit, S., (2020). Gender pay transparency mechanisms: Future directions for South Africa. *South African Journal of Science*, 116(3-4), pp. 1-6.

Constitution of the Republic of South Africa, 1996.

Cooper, C. and Lagrange, R. (2001) The Application of the Promotion of Equality and Prevention of Unfair Discrimination Act and the Employment Equity Act. *Industrial Law Journal*, 22(7), pp. 1532-1544.

COSATU. (2019). *Gender Policy*.

Accessible via: <http://mediadon.co.za/wp-content/uploads/2019/11/COSA-TU-Gnder-Policy-Booklet.pdf>

Dlamini, Nobuhle Judy. (2021). Gender-Based Violence, Twin Pandemic to COVID-19. *Critical Sociology*, 47(4-5), pp. 583-90.

Employment Equity Act 55 of 1998, South Africa.

Accessible via: <https://www.gov.za/documents/employment-equity-act>

Francis, D. (2017). *Tackling Wage inequality in South Africa: Pay Ratios and Capping Pay. Policy Brief*.

Accessible via: [https://www.fes-southafrica.org/fileadmin/user\\_upload/Tackling\\_wage\\_inequality- International\\_experiences - NMW-RI - Final.pdf](https://www.fes-southafrica.org/fileadmin/user_upload/Tackling_wage_inequality- International_experiences - NMW-RI - Final.pdf)

Government Gazette. (2004). *Broad-Based Black Economic Empowerment Act*, 2003. Accessible via: [https://www.gov.za/sites/default/files/gcis\\_document/201409/a53-030.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a53-030.pdf)

Gradin, C. (2018) Occupational Gender Segregation In Post-Apartheid South Africa, *WIDER Working Paper 2018*, 53. Helsinki: UNU-WIDER.

Accessible via: <https://www.wider.unu.edu/publication/occupational-gender-segregation-post-apartheid-south-africa>

Hills, J., (2015). Addressing gender quotas in South Africa: Women empowerment and gender equality legislation. *Deakin L. Rev.*, 20, p. 153.

Institute of Directors Southern Africa. (2016). *King IV report on corporate governance for South Africa 2016*.

Accessible via: [https://cdn.ymaws.com/www.iodsa.co.za/resource/collection/684B68A7-B768-465C-8214-E3A007F15A5A/IoDSA\\_King\\_IV\\_Report\\_-\\_WebVersion.pdf](https://cdn.ymaws.com/www.iodsa.co.za/resource/collection/684B68A7-B768-465C-8214-E3A007F15A5A/IoDSA_King_IV_Report_-_WebVersion.pdf)

International IDEA. (2021). *Gender Quota Data Base, South Africa*.  
Accessible via: <https://www.idea.int/data-tools/data/gender-quotas/country-view/310/35>

International Labour Organization (ILO). (2019). *Global wage report 2018/19: What lies behind gender pay gaps*. ILO. Geneva: Switzerland.  
Accessible via: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_650553.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf)

Ledwith, S. and Munakamwe, J., (2015.) Gender, union leadership and collective bargaining: Brazil and South Africa. *The Economic and Labour Relations Review*, 26(3), pp. 411-429.

Makgetla, N. (2021). The Impacts And Outcomes Of BBBEE: A Preliminary Assessment. Working paper. *Trade & Industrial Policy Strategies*.  
Accessible via: <https://www.tips.org.za/research-archive/trade-and-industry/economic-regulation/item/3965-the-impacts-and-outcomes-of-bbbee-a-preliminary-assessment>

OECD Stat. LFS by sex and age - indicators: Labour force participation rate.  
Available via: [https://stats.oecd.org/Index.aspx?DataSetCode=lfs\\_sexage\\_i\\_r](https://stats.oecd.org/Index.aspx?DataSetCode=lfs_sexage_i_r)

Oxfam South Africa. (2020) *Reclaiming Power: Womxn's Work and Income Inequality in South Africa*.  
Accessible via: <https://www.oxfam.org.za/wp-content/uploads/2020/11/oxfam-sa-inequality-in-south-africa-report-2020.pdf>

Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, South Africa.  
Accessible via: <https://www.justice.gov.za/legislation/acts/2000-004.pdf>

South African Government. (2021). *Constitution of the Republic of South Africa, 1996 - Chapter 2: Bill of Rights*.  
Accessible via: <https://www.gov.za/documents/constitution/chapter-2-bill-rights#9>

Statistics South Africa. 2021. *Gender Series Volume VII: Informal Economy*.  
Accessible via: <http://www.statssa.gov.za/publications/Report-03-10-23/Report-03-10-232019.pdf>

Statistics South Africa. (2017) Living Conditions of Households in South Africa: An analysis of household expenditure and income data using the LCS



2014/2015.

Accessible via: <https://www.statssa.gov.za/publications/P0310/P03102014.pdf>

Tijdens, K.G. and Van Klaveren, M. (2012) *Frozen in time: Gender pay gap unchanged for 10 years*. Brussels, ITUC.

Accessible via: [https://www.ituc-csi.org/IMG/pdf/pay\\_gap\\_en\\_final.pdf](https://www.ituc-csi.org/IMG/pdf/pay_gap_en_final.pdf)

## Sweden

Discrimination Act .(2008) (from the Diskriminerings ombudsmannen).

Ekberg, J. and Widegren, D. (2019) The wage effect of commuting – An analysis of the gender wage gap in local labour markets, Nordic Statistical Meeting 2019.

Equal Opportunities Ombudsman. (2003) Legislation Concerning Wage Surveys, Analysis and Equal Pay Action Plans, Report on Swedish Experiences by the Equal Opportunities Ombudsman, June 2003.

European Commission. (2017) The gender pay gap in Sweden.

European Institute for Gender Equality. (2020a) *Gender Equality Index 2020*.  
Accessible via: <https://eige.europa.eu/gender-equality-index/2020/country/SE>

Gonäs, L. and Spånt, S. (2004) *The Gender Pay Gap in Sweden: A national report*, Karlstad University Studies: Karlstad.

Harriman, A. and Holm C. (2001) Steps to Pay Equity, An easy and quick method for the evaluation of work demands, Lönelots/JämO.

Jämställdhetsombudsmannen. (2005) Survey, Analysis and Action Plan for Equal Pay, An in-depth analysis on effects of the regulations of 2001.

Kollega. (2007) *Långt kvar till jämställda lön*.

Accessible via: <https://www.kollega.se/langt-kvar-till-jamstallda-loner>

Kuhnke, A. B. and Ström, D. (2016) Ett övergripande ramverk för aktiva åtgärder i syfte att främja lika rättigheter och möjligheter, Lagrådsremiss.

Lönelotsarna. (2016) 76 miljarder – Prislappen för den strukturella löneskillnaden, Lönelotsarna.

Lönelotsarna. (2019) Strukturella Löneskillnader. 2019, På hela arbetsmarknaden och i välfärdens bristyrken [Structural Salary Differences 2019, In the entire labor market and in the shortage of welfare], Lönelotsarna.

Medlingsinstitutet. (2013) Avtalsrörelsen och lönebildningen 2010 2012 Medlingsinstitutets årsrapport.

Medlingsinstitutet, Swedish National Mediation Office. (2019) Löneskillnaden mellan kvinnor och män 2019, Vad säger den officiella lönestatistiken? [The pay gap between women and men 2019, what do the official wage statistics say?].

OECD. (2012) Closing the Gender Gap, ACT NOW Sweden.

Statens Offentliga Utredningar. (2020) Effectivare tillsyn över diskrimineringslagen – aktiva åtgärder och det skollagsreglerade området [More effective supervision of the Discrimination Act], Norstedts Juridik, Stockholm.

Statistics Sweden. (2018) *Women and men in Sweden, Facts and figures 2018*, Statistics Sweden, Stockholm.

Swedish National Audit Office. (2019) The Discrimination Act's equal pay survey requirement – a blunt instrument for reducing the gender pay gap, Report.

Unionen. (2018) Lönekartläggning lönar sig 2018.

## United Kingdom

Chartered Institute of Insurance (2018). Securing the financial future of the next generation - the moments that matter in the lives of young British women today.

Accessible via: [https://www.cii.co.uk/media/9224351/iwf\\_moments\\_that\\_matter\\_full.pdf](https://www.cii.co.uk/media/9224351/iwf_moments_that_matter_full.pdf)

Davenport, A. and Zaranko, B. (2020). Levelling up: Where and how?, *IFS Green Budget*, 315–71.

Accessible via: <https://www.ifs.org.uk/publications/15055>

European Institute for Gender Equality (2020b). *Gender Equality Index 2020: United Kingdom*.

Accessible via: <https://eige.europa.eu/publications/gender-equality-index-2020-united-kingdom>

Equalities and Human Rights Commission (2017). *Fair opportunities for all: A strategy to reduce pay gaps in Britain*.

Accessible via: <https://www.equalityhumanrights.com/en/publication-download/fair-opportunities-all-strategy-reduce-pay-gaps-britain>

Equalities and Human Rights Commission (2019) *Is Britain fairer? The state of*

*equality and human rights.*

Accessible via: <https://www.equalityhumanrights.com/sites/default/files/is-britain-fairer-accessible.pdf>

Fawcett Society (2020). Fawcett's equal pay bill: just 3 in 10 women say their bosses would tell them the truth on equal pay.

Accessible via: <https://www.fawcettsociety.org.uk/news/fawcetts-equal-pay-bill>

Francis, D. (2017). Tackling Wage inequality in South Africa: Pay Ratios and Capping Pay. National Minimum Wage Research Initiative, Policy Brief 1. Johannesburg, South Africa: University of the Witwatersrand.

Accessible via: <http://nationalminimumwage.co.za/wp-content/uploads/2018/01/NMW-RI-Wage-Inequality-Policy-Brief-1-Web.pdf>

*Gender Pay Gap Service*, UK Government.

Accessible via: <https://gender-pay-gap.service.gov.uk>

Government Equalities Office. (2019). *Mandatory Gender Pay Gap Reporting: Summary of reported data for 2018/19.*

Accessible via: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/819665/Mandatory\\_Gender\\_Pay\\_Gap\\_Reporting\\_Summary\\_of\\_reported\\_data\\_for\\_2018-19.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819665/Mandatory_Gender_Pay_Gap_Reporting_Summary_of_reported_data_for_2018-19.pdf)

Government Equalities Office. nd. *Four steps to developing a gender pay gap action plan.* Accessible via: <https://gender-pay-gap.service.gov.uk/public/assets/pdf/action-plan-guidance.pdf>

Government Equalities Office. (2021). *Gender pay gap reporting: changes to enforcement.* Accessible via: <https://www.gov.uk/guidance/gender-pay-gap-reporting-changes-to-enforcement>

Hampton-Alexander Review. (2021). Hampton-Alexander Review FTSE Women Leaders. Accessible via: [https://ftsewomenleaders.com/wp-content/uploads/2021/03/Hampton-Alexander-Review-Report-2020\\_web.pdf](https://ftsewomenleaders.com/wp-content/uploads/2021/03/Hampton-Alexander-Review-Report-2020_web.pdf)

Hilsenrath Rebecca. (2019). *Gender pay gap reporting: no excuses.* EHRC. Accessible via: <https://www.equalityhumanrights.com/en/our-work/blogs/gender-pay-gap-reporting-no-excuses>

Institute for Fiscal Studies.( 2018). *Wage progression and the gender wage gap: the causal impact of hours of work.* Briefing note 223.

Accessible via: <https://www.ifs.org.uk/publications/10358>

OECD. (2020). *Is Childcare Affordable?*

Accessible via: <https://www.oecd.org/els/family/OECD-Is-Childcare-Afford->

[able.pdf](#)

Office for National Statistics. (2017). *Understanding the gender pay gap in the UK*.

Accessible via: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/understandingthegenderpaygap-intheuk/2018-01-17>

Office for National Statistics. (2020). *Gender pay gap in the UK: 2020*.

Accessible via: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/genderpaygapintheuk/2020>

Trade Union Congress.(TUC) (2021). *Good news, bad news and the same challenges - trade union membership statistics*.

Accessible via: <https://www.tuc.org.uk/blogs/good-news-bad-news-and-same-challenges-trade-union-membership-statistics>

UN Committee on the Elimination of Discrimination Against Women. (2019). *Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland*.

Accessible via: <https://digitallibrary.un.org/record/3801131?ln=en#record-files-collapse-header>

Women on Boards UK. 2021. *The Hidden Truth: Diversity and Inclusion in the FTSE All-Share. A report from Women on Boards UK June 2021*.

Accessible via: [https://www.womenonboards.net/womenonboards-AU/media/UK-PDFs-Miscellaneous/WoB\\_HiddenTruth\\_FINAL.pdf](https://www.womenonboards.net/womenonboards-AU/media/UK-PDFs-Miscellaneous/WoB_HiddenTruth_FINAL.pdf)





**Fawcett**   
*Equality. It's about time.*



**THE GLOBAL  
INSTITUTE  
FOR WOMEN'S  
LEADERSHIP**

