

Cambridge Journal of Economics Symposium

7-8 June 2013 Cambridge University

Equal Pay: Fair Pay? A forty-year perspective

Location: The Seminar Room, Department of Sociology,
Free School Lane, Cambridge, UK.



Symposium Organisation: Catherine O'Brien
(co223@cam.ac.uk)

Guest Editors:

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CJE Editors: Brendan Burchell and Simon Deakin

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To commemorate the forty years since the implementation of British and European legislation on Equal Pay the CJE will be holding a symposium on 7-8 June in Cambridge with a view to publishing a Special Issue on the question of *Equal Pay: Fair Pay?*

This special issue marks the significant milestone achievements of 1975. On the 29 December 1975, the Equal Pay Act (1970) was implemented in the UK. The Act came into force after a long and bitter industrial conflict for recognition of equal pay rights by the women workers at the Ford Factory in Dagenham, UK. In the same year, the Sex Discrimination Act (1975) sought to prevent sex discrimination in employment more generally. At the European level, Council Directive 75/117/EEC of 10 February 1975 was implemented, requiring the approximation of member states' laws relating to equal pay.

Since this early and hard-fought-for legislation was enacted, there has been a growing body of statute, employment tribunal and legal decisions to address anomalies in the initial legislation and to broaden and clarify issues around forms of discrimination and recognition of equality. A recent stream of equal pay cases in the UK has resulted in very large compensation payments.

Equal Pay legislation triggered a step change in policy and practice towards gender pay inequalities in the UK and beyond. Yet, despite some early successes and subsequent legislative measures, the stubbornness of the gender pay gap persists. Extensions of equality legislation have also gone beyond the demands for equal pay to include equal treatment, fair pay and anti-discrimination policies. These issues have been taken up in many countries as exemplified by the Fair Work Act (2009) in Australia, the living wage movement as a focus for migrant workers in the US and the UK, Parité in France, and the Equal Pay Day in Germany.

This special issue looks back on these achievements, and evaluates the subsequent legislation and its effective implementation and on-going barriers to equal pay. It also seeks to provide an international and comparative perspective on initiatives to implement equality legislation and equal pay in other countries. It aims to identify the barriers to implementing equal pay and the economic consequences of persistent inequality. The relevance of this topic is particularly evident in a number of prominent contemporary debates about equality and in particular about the concept of fairness.

Cambridge Journal of Economics

The CJE publishes heterodox and interdisciplinary papers. The special issue would like to encourage theoretical and empirical papers examining the institutionalisation of intersectionality and multiple forms of discrimination; the implications for firms, unions and public sector organisations affected by these changes, both in the UK and abroad; and the impact of recent austerity measures on women's achievements in the past 40 years. Topics covered could include:



- Evaluating the impact of the Equal Pay Act 1970 in the UK and/ or European Directives on equal pay and sex discrimination;
- Analysis of subsequent legislation to address pay inequality in the UK and/or abroad;
- International comparative perspectives of initiatives to implement equal pay and an evaluation of their achievements in the context of broader equality policies;
- Evaluation of new forms of regulation and policy initiatives to address gender pay gaps;
- Contextualising the demands for equal pay between men and women in relation to increased income disparities;
- Identifying the drivers that reduce the gender pay gap and the factors that resist its reduction;
- Developments in industrial relations that have addressed issues of inequality at work, of which equal pay is a central issue;
- Current debates about what is considered to be fair about pay, rewards and benefits systems for different groups of workers.

Authors unable to attend the symposium are also invited to submit their full papers to the journal for peer review by **20 September 2013** for consideration in the Special Issue to Mark Smith (mark.smith@grenoble-em.com) and Jackie O'Reilly (jo72@brighton.ac.uk).

Authors should consult the journal's requirements:
http://www.oxfordjournals.org/our_journals/comeco/for_authors/index.html.

Symposium Organisation: Catherine O'Brien (co223@cam.ac.uk)

Guest Editors: Mark Smith (Grenoble Ecole de Management) and Jacqueline O'Reilly (University of Brighton Business School)

CJE Editors: Brendan Burchell and Simon Deakin (Cambridge)

Directions

All queries about travel etc. should be directed to Symposium organiser Catherine O'Brien (co223@cam.ac.uk).

How to get to the Department of Sociology

The Department of Sociology is located in the New Museums Site, off Free School Lane. Click on the following link for a map:

<http://map.cam.ac.uk/>

How to get to the University of Cambridge

Information about getting to Cambridge by air, train, bus and car can be found here:

<http://www.cam.ac.uk/about-the-university/visiting-the-university>

<http://www.visitcambridge.org/visitor-information/how-to-get-here>

On the day

Lunch and refreshments will be provided. A restaurant will be suggested for Friday evening.

Friday 7 June

Conference starts at 12.00.

12.00 – 13.00 Lunch

15.30 – 16.00 Coffee

Saturday 8 June

11.00 – 11.15 Coffee

13.00 – 14.00 Lunch

Conference ends at 14.00.

Accommodation

The following link provides a list of University establishments and local hotels offering a range of accommodation in the Cambridge area.

<http://www.visitcambridge.org/accommodation>

Agenda

Friday 7 th June	
12.00 – 13.00 Lunch	Editors Welcome and Overview
13.00 – 15.30	
Simon Deakin Sarah Fraser-Butlin Colm McLaughlin and Aleksandra Polanska	Equal pay, litigation strategies, and the limits of the law
Alison Parken, Eva Pocher, and Amanda Kidd	The Welsh 'Equal Pay Duty'
Jill Rubery	The forty-year pursuit of equal pay: A case of constantly moving goalposts
15.30 – 16.00 Coffee	
16.00 – 18.30	
David Peetz	Regulation distance, labour segmentation and gender gaps [via Skype]
Siobhan Austen and Therese Jefferson	Economic analysis, ideology and the public sphere: Insights from Australia's equal remuneration hearings
Cécile Guillaume	Equal pay and trade unions: Understanding the variations of unions' legal mobilisation in the UK (1960-2010)
Rhys Davies, Robert McNabb and Keith Whitfield	Do High Performance Work Practices Exacerbate or Mitigate the Gender Pay Gap?
Saturday 8 th June	
9.00 – 11.00	
Roland Erne and Natalie Imboden	Unequal Equal Pay Policies: An assessment of the unequal enforcement of equal pay policies for workers of different gender and ethnicity in a Switzerland undergoing Europeanisation
Niall O'Higgins	Ethnicity and gender in the labour market in Central and South East Europe
Maria Laura Di Tommaso and Daniela Piazzalunga	Pay differences by gender and immigration status in Italy
11.00 – 11.15 Coffee	
11.15 – 13.00	
Sebastian Ugarte	The impact of wage structures and wage-setting institutions in wage equality and gender pay differences: A comparative case study of Argentina and Chile
Ester Villa	Untangling the web of unsolved issues in the Italian legislation of gender pay discrimination
Donata Gottardi and Marco Peruzzi	The gender pay gap in EU Law: An Italian perspective
13.00 – 14.00 Lunch	Editors' Conclusions

List of Abstracts

Simon Deakin*, Sarah Fraser-Butlin*, Colm McLaughlin** and Aleksandra Polanska***

Equal pay, litigation strategies and the limits of the law

This paper examines the role of litigation in advancing equality of pay and compares it to other regulatory strategies including collective bargaining. The theoretical frame is provided by reflexive law theory, and the empirical focus is a case study of the explosion of equal pay litigation the UK in the 2000s. The reasons for this are explored in terms of changes to the substance and procedure of UK and EU equal pay law, the dynamics of collective bargaining over equal pay, and the appearance of new actors, in the form of law firms prepared to co-fund litigation on a no-win, no-fee basis. We explore the catalytic effects of the litigation, which include greater awareness of equality issues in pay bargaining, the highlighting of gender stereotyping and the removal of some historical anomalies in pay structures, but also an undermining of the role of the autonomous collective bargaining system in resolving distributional conflicts.

Alison Parken, Eva Pocher and Amanda Kidd

The Welsh 'Equal Pay Duty'

Successive governments in the UK have resisted calls for mandatory equal pay audits, even in the public sector, until now.

The 'Equal Pay Duty' in Wales was introduced in The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. Public Authorities with more than 150 employees are required to publish their workforce data annually to demonstrate any gender pay gaps and to create an action plan.

This 'duty' introduces a structural element to the consideration of gender pay disparities, as public authorities must publish in such a manner as to reveal occupational and contract segregation. This exceeds the equal treatment basis of equal pay audits on a 'like for like' or equivalent value basis. Here, occupational segregation is recognised as a significant contributor to the overall gender pay gap in Wales, and the Welsh Government intends that public sector employers recognise this and take action.

But how will employers collect and analyse this data, and what kinds of economic and social science analysis techniques will then be needed to understand what the data says about the gendering of jobs in socio-economic structures and in employment?

Our paper will reflect on the policy context, the spirit of the 'Equal Pay Duty', and an ESF funded project, 'Women Adding Value to the Economy', WAVE, which has been designed to provide a model for employers to collect and analyse their data. We will also provide initial data analysis of the effect of occupational segregation on pay disparities in Wales, and outline our initial thoughts on the conundrum of how to address the gendering of 'choice' in jobs and careers.

Jill Rubery

The forty year pursuit of equal pay: A case of constantly moving goalposts

Progress towards equal pay is elusive. To explore this elusiveness the paper reviews debates on and prescribed remedies for gender pay equality over the past forty years of

equal pay policy. It looks at pay from three academic perspectives, the economic, the sociological and the institutional and organisational (see Rubery, J. (1997) *Wages and the Labour Market British Journal of Industrial Relations*), and explores how and why once an apparent remedy for unequal pay is pursued, the goalposts tend to shift. For example, it explores how and why: i) closing the key human capital gaps in education and experience proved insufficient to narrow the gender pay gap; ii) delinking wages from family status and opening up professional groups to women led to new forms of gender segmentation and segregation; iii) progress in wage setting, through job evaluated pay spines and the minimum wage, was overtaken by changes to the pay landscape, including the growth in individualised pay, outsourcing and the use of the minimum wage as a going rate. The final part suggests that the difficulties in securing long term progress may be attributed to the multi-faceted nature of pay as a social phenomenon, the challenge of pursuing social objectives in a rapidly changing and fragmenting environment, the need for political will and not technical solutions to achieve redistribution and the potential historically for gender inequalities to re-emerge in new forms.

David Peetz

Regulation Distance, Labour Segmentation and Gender Gaps

Existing theories on human capital, labour market segmentation and discrimination fail to fully explain gender gaps – for example, the large gender gap in elite occupations where women apparently possess high labour market power. This paper seeks a more complete understanding, through the interaction between labour segmentation, regulation content and regulation distance, the last referring to the extent to which employment of particular workers is (un)regulated, including by collective agreements, legislation or other instruments. Regulation distance encompasses a continuum from ‘regulation proximity’ to ‘market proximity’. A greater reliance on the ‘market’ does not necessarily remove pay distortions, rather it might increase their impact through the mechanism of gendered norms. Evidence is drawn from studies in several countries but most commonly Australia. This approach more clearly specifies the roles of undervaluation, labour segmentation, group norms and human and social capital; illuminates public sector and union effects; explains why the gender gap is greatest for a group of women with the most labour market power; and illustrates some non-pay aspects of gendered experience at work.

Siobhan Austen and Therese Jefferson

Economic analysis, ideology and the public sphere: Insights from Australia’s equal remuneration hearings

The paper explores contrasting economic analyses of gender and wages in Australia’s social and community sector as important and relevant examples of specific types of ideology in economics. The analyses were submitted as evidence in an equal remuneration case brought before Australia’s key industrial tribunal, ‘Fair Work Australia’. We argue that mathematical methods and specialist techniques in economic analysis can deflect attention from important assumptions and ideological commitments underlying economic analyses of gendered patterns of work and pay. However, debate in the public sphere represents an opportunity to explain and debate these methods and assumptions to better understand their social and policy implications. We conclude that there are advantages to be gained from detailed discussions of economic analysis with people who are knowledgeable about labour markets but non-specialist in terms of applying economic theory. These advantages include improved policy decisions and recognition of the need for pluralism in economic research.

Cécile Guillaume

Equal pay and trade unions: Understanding the variations of unions' legal mobilisation in the UK (1960-2010)

In the UK, unions have been highly involved in legal rights mobilisation to obtain equal pay since 1970. However, most industrial relations studies have stressed union mistrust toward the use of the law (and individual rights), their preference for “voluntary” agreements negotiated with employers (Colling, 2011) or imposed through industrial action. Other hesitations, such as the high financial and emotional costs for plaintiffs and trade unions, and the risk of movement fragmentation linked to the claim for individual rights and the necessary reliance on lawyers (McCann, 1994), have traditionally deterred trade unions from litigation. However, often triggered by their members, unions have pushed for law reform, including equal pay, and have tried to obtain new employment and union rights. In the UK, since the 70s, public sector trade unions have adopted a “pragmatic approach” toward law reform, considering the difficulty they had to negotiate collective agreements with the conservative governments and to unionise a more diverse workforce (Colling, 2011). Unions have also developed their own in-house legal structures or built strong relationships with law firms, helping them in dealing with equality/discrimination claims.

Maybe because of their aversion for individual rights enlargement and their reluctance to represent women and minority workers' interests, trade unions have rarely been described as key-actors in the promotion and the implementation of discrimination laws. Yet, the story of the equal pay battle in the UK emphasises the central role of trade unions in legal rights mobilisation to obtain equal pay. This legal mobilisation did not develop in a consistent manner over time and across unions though, and the use of the law has been quite controversial within unions. Trade unionists who have developed legal expertise and pushed for litigation have sometimes been bullied or isolated within their own union. The use of legal mobilisation by unions needs to be understood in the context of the contentious relations existing between members with different interests within the same organisation, and between organisations participating in the same movement (e.g. lesbian and gay rights (Smith, 2008) or disability rights (Vanhala, 2011)). Going to the courts can be a strategy to raise one organisation's profile and attract new members. On the contrary, avoiding litigation can be interpreted as a fear of losing credibility or tarnishing one's image. Above all, the relationships between the different types of legal mobilisation – such as raising rights consciousness, lobbying for law reform, supporting claims or producing norms and rules through collective bargaining – can be rather complex, especially for trade unions who do not define themselves as legal organisations.

Building on a multi-method approach combining a variety of techniques (interviews with 30 lawyers, experts and trade unionists; union archives; legal case study data and secondary academic research accumulation), I will try to understand to what extent and under which conditions trade unions have turned to the courts to promote equal pay. How can we explain that trade unions have been so heavily involved in litigation, whereas their preferred repertoire of action is collective bargaining? If most European studies focus on one aspect of legal mobilisation – such as strategic litigation – few comprehend the different types of strategies and tactics that can be used by organisations to advance the cause of sex equality and the complexity of their interactions. In the industrial relations field, most authors only see the law as a platform for collective bargaining efforts. This rather blinkered view ignores the fact that union members do sometimes turn to the law (sometimes instead of the union) to support them and to provide redress if they experience discrimination. The effects this has on unions as actors within and yet independent of the legal system is under-researched.

Rhys Davies, Robert McNabb and Keith Whitfield

Do High Performance Work Practices Exacerbate or Mitigate the Gender Pay Gap?

The impact of the introduction of performance-oriented/high performance work practices on the gender pay gap has been the subject of considerable conjecture, but of little empirical investigation. Using the 2004 Workplace Employment Relations Survey (WERS2004), the analysis finds that, while average earnings are substantially higher in those workplaces that have introduced high performance work practices compared with those that have not, the presence of such practices at a workplace exacerbates the gender pay gap. Organisations therefore need to be more careful in reconciling their performance and equality strategies, as suggested in Dickens (1998). Gender segregation, especially job-cell and workplace segregation, would appear to be the key factor associated with the gender pay gap. The study also finds that the gender pay gap is lower, and in places reversed, in male-dominated jobs workplaces that do not have performance-oriented practices in place. It is also notable that the gender pay gap tends to be higher where there are equal numbers of men and women in a job-cell, rather than an imbalance in either direction.

Roland Erne and Natalie Imboden

Unequal Equal Pay Policies: An assessment of the unequal enforcement of equal pay policies for workers of different gender and ethnicity in a Switzerland undergoing Europeanisation

In this paper, we aim to identify the reasons for the unequal enforcement of the principle of equal pay for work of equal value for workers of different gender and ethnicity in Switzerland. In a time when egalitarian wage policies are under pressure almost everywhere in Europe, Swiss trade unions have succeeded in significantly strengthening labour market legislation in relation to the principle of equal pay for work of equal value for both 1) men and women and 2) for Swiss nationals and migrant workers. If the implementation measures of the recent Swiss Gender Equality Act are compared with the “accompanying measures” adopted recently to ensure equal pay for non-national employees after the opening of the Swiss labour market to EU citizens, however, it becomes clear that the latter are much more effective. The Swiss courts investigated less than one hundred cases of gender-related pay discrimination in 2010 – notwithstanding the continued existence of a substantial gender pay gap – while the twenty-four tripartite Swiss commissions at cantonal and national level inspected and enforced equal pay and equal working conditions for non-national employees in over 35,000 companies in Switzerland. As the principle of equal pay for work of equal value in both cases has been approved in parliament and in popular referenda with similar majorities, these differences cannot be explained by diverging levels of political will and support. In turn, however, policy makers have chosen different methods to implement the principle of equal pay for equal work in the two cases – namely “liberal” court-based policy implementation methods in the case of gender discrimination, respectively “neo-corporatist” implementation methods in the case of ethnic discrimination involving employer associations and trade unions in the enforcement of public policy principles. The proposed topic therefore represents an excellent opportunity to comparatively assess the effectiveness of both liberal and neo-corporatist implementation methods in a methodological setting (e.g. a most-similar case research design) that allows us to control a wide range of

explanatory factors. Concretely, the paper will be analysing the processes that lead to these different outcomes, based on a systematic assessment of the political positions and policies of all actors that are involved in these two policy areas (e.g. federal and cantonal administrations, political parties, trade unions, employer organisations, and women respectively migrants' organisations) using interviews with policy makers, participant observation, and documentary analysis.

Niall O'Higgins

Ethnicity and Gender in the labour market in Central and South East Europe

The Roma are both the largest 'minority' ethnic group in Central and South Eastern Europe and the one which suffered most from transition to the market. Opinions differ as to the causes of these difficulties but the fact remains that still today, nearly forty years after the introduction of the EU's 1975 Discrimination Directive and with the end of the 'Roma Decade' (2005-15) in sight, people from the Roma minority have unemployment rates far above – and employment rates and wages far below – those of majority populations. Two major explanations have typically been used to account for Roma labour market disadvantage: a) the lower level of educational achievement observable amongst the Roma; and, b) the discrimination faced by Roma in the labour market. Recent work on Roma in the labour market in Central and South Eastern Europe by a number of authors has highlighted the persistence over time of ethnicity based gaps in employment and wage outcomes which cannot simply be ascribed to the albeit substantial differences in education between the Roma and non-Roma. An issue which has received less attention but which emerged from one of the most recent contributions (O'Higgins, 2012) concerns the 'double' discrimination facing Roma women in the region. Not only do Roma women face poorer employment and wage outcomes in the labour market than non-Roma women, in most CSEE countries the gap in employment opportunities between Roma women and Roma men is greater than the corresponding gap between non-Roma women and men.

Thus, the paper focuses on intersectionality issues in the analysis of the Roma/non-Roma differences in labour market outcomes. Specifically, using data from the recent WB/UNDP regional Roma survey, the paper seeks to analyse and explain differences in the Roma/non-Roma gaps in employment and wages between women and men. In contrast to most of the preceding literature, which has been based on some form of Blinder-Oaxaca decomposition, the approach adopted here is based on the non-parametric one-to-many matching approach suggested by Nopo (2008). This innovative approach has the advantage of being both simple and at the same time particularly appropriate for analysing Roma/non-Roma differences in labour market outcomes. A key assumption of more traditional parametric approaches is the existence of common support – that is, similarity between Roma and non-Roma as regards other characteristics of importance in explaining employment and wage outcomes. However, one of the key differences between Roma and non-Roma lies precisely in their levels of educational participation and attainment – an important factor in determining labour market outcomes. The one-to-many matching approach restricts attention to comparisons for which there is common support and allows the separate identification of differences due to education (and some other factors) and those which cannot be thus explained – the 'discrimination' component – controlling for the problem of (lack of) common support. Once gaps have been decomposed into an explained and unexplained portions, I look further at factors – such as educational quality, involvement in the informal economy and so on – which determine the differences between women and men in the unexplained components.

Maria Laura Di Tommaso and Daniela Piazzalunga

Pay differences by gender and immigration status in Italy

Italy has a long history of gender discrimination. Female participation rates have been increasing from 41% in 1983 to 53% in 2012, but they are still very low compared to other European countries. Among OECD countries Italy has the highest gender gap in leisure time (see OECD 2009); men enjoy 80 minutes more of leisure than women against a difference of 32 minutes in UK. The “double burden” of women and the lack of policies to support families with children have led to low fertility rates. Female political participation has also been hindered by this double burden. Moreover, in trying to cope with the above-mentioned institutional and cultural constraints, Italy has seen an increasing inflow of female immigrants working in child and elderly care and performing domestic work.

The current study explores the issue of earnings discrimination in Italy and how it has changed during the current economic crisis. The gender gap in average gross hourly earnings has increased by one percentage point between 2008 and 2011 (Eurostat, 2013). Some studies (Paggiaro 2013; Pastore and Villosio, 2011) suggest that the impact of the current economic crisis has been less serious for women than men: while unemployment rates are still higher for women than for men (11.9 % for women against 9.9% for men in 2012), the difference has been decreasing since 2008, when the unemployment rates was 8.5 % for women and 5.5% for men.

This paper examines the extent to which Italian women experience an earnings disadvantage as a result of their gender and, in addition, the extent to which immigrant women experience an earnings disadvantage as a result of both their gender and their status as immigrants. Relying on data from the 2008 and 2011 Italian Labour Force Survey, and using an augmented Oaxaca decomposition technique (Oaxaca, 1973), the paper decomposes the gap in wages between men and women and between immigrant and non-immigrant women to find out how much of the observed gap is due to differences in the characteristics of workers and how much is due to differences in their remuneration.

The gender pay gap among immigrants is quite small (7.4%), but it is not explained by observable differences, whilst the pay gap between native and immigrant women is larger (27.1%), but the explained components account for about 30%. In addition, we evaluate how the multiple levels of discrimination (due to being a woman and a foreigner at the same time) intersect, following the decomposition suggested by Shamsuddin (1998). The combined effect is estimated to be between 56% and 62% according to different specifications.

The observed gender and immigrant earnings gaps are important in the perpetuation of a male dominated society. The high and increasing inflow of immigrant women who substitute Italian women in care and domestic work allows the perpetuation of a state in which men do not change their roles, neither in the household nor in the public sphere.

Sebastian Ugarte

The impact of wage structures and wage-setting institutions in wage equality and gender pay differences: A comparative case study of Argentina and Chile

The objective of this research is to investigate women’s relative position in the labour market segment of Argentina and Chile. This is done by developing an empirical and comparative analysis of the Argentinian and Chilean labour markets that encompasses a range of

dimensions including their wage determination institutions, the degree of influence of its IR and social actors, as well as the most influential labour market policies. To address these issues, the research explores the relevant dimensions of wage determination that define women's relative position in the wage structure. It also identifies the factors that are influencing the gender wage gap of women in the segment of low and high paid jobs. The methodology consists of a mix of descriptive and multivariate quantitative research methods over a 10-year cross-sectional study (2000-2009). Firstly, we undertake a critical analysis of the literature to frame the main characteristics of the wage setting systems of these two divergent economies. Secondly, we develop several metrics to assess the shape of the wage distribution across years, genders and educational groups. Thirdly, we perform a quantile regression analysis in order to analyse the most influential employment factors and personal characteristics affecting pay, at different levels of the wage distribution. The data sources to undertake the quantitative analysis are based on the analysis of household surveys and employment data. Additionally, a number of labour market social partners have been interviewed to give account of the institutional wage setting and employment characteristics framework.

Our findings suggest the importance of the corporatist Argentinean wage setting system in influencing wage equality and narrower gender pay differences relative to Chile. Since 2003, the trade union movement in Argentina has been awarded even greater recognition and status. Nevertheless, our results report, that the compression of the wage structure has had a similar pattern as in Chile, a country which has not changed its neoliberal labour market practices in wage setting. As a consequence, the application and evolution of the minimum wage in Chile seems to have had an important impact as a distributive tool, in particular at the lower end of the wage distribution.

This research contributes to the literature by highlighting new ways of understanding wage systems and consequently gender wage differentials, by analysing the shape of the wage structure, on top of the human capital economics rationale. Additionally, our findings from the Argentinean labour market contribute to the appreciation of how wages have evolved in a country that has followed an opposing trend in centralisation of collective bargaining, coverage and trade union power, compared to Chile and to most countries worldwide. At the same time, the analysis develops a framework of employment and market factors that influence the high-skill end of the labour market, from two divergent labour markets and political economy agendas.

Ester Villa

Untangling the web of unsolved issues in the Italian legislation of gender pay discrimination

Italian statistical research shows that wage gap between men and women is roughly at 20% (not at 4.9% as pointed out in European studies in this field). The aim of this paper is to highlight the main limits of Italian legislation against gender pay discrimination in order to elaborate new proposals to enhance equality by reducing wage gap. First, as pay regulation is provided at individual – and not collective – level, it is difficult for employees proving the effective existence of pay discrimination. To address this issue, the Italian legislation – albeit with several defects – tried to ensure transparency in wage regulation. Second, segregation of women is still high in the Italian labour market: in this regard, is it enough to extend the “comparison test”? Finally, as the European protection against gender pay discrimination is weak both in temporary agency work and work under procurement contracts, what alternative ways of protection can be found at national level?

Donata Gottardi and Marco Peruzzi

The gender pay gap in EU Law: An Italian perspective

The Italian perspective has a specific pivotal significance when one investigates the European legislation on Equal Pay. Eurostat places Italy among the EU Member States with the lowest GPG rate, only 5.8% against a EU-27 average percentage of 16.2%, whereas statistic findings elaborated by Italian bodies (such as Istat and Banca d'Italia) record a very different situation, attesting the GPG in Italy on a 21.4% rate. This remarkable discrepancy leads to the following question: is Italy one of the EU Member States in which women are the least discriminated against, or rather is the parameter used to measure the GPG at EU level (that is the average gross hourly earnings) scarcely reliable and effective for detecting pay-related discriminations between women and men?

Our point is that the Italian case shows the shortcomings of the EU legislation on the GPG and the need for reviewing Directive 2006/54/EC in order to introduce, among others, a more precise definition of the GPG, which should not cover gross hourly pay alone, but a wider and more sophisticated range of factors. The Italian case proves how gender discriminations in relation to pay can be perpetuated, notwithstanding a low difference in hourly pay between women and men. They can sneak through the system of classifying and organising staff, travel allowances, career development, extra pay, bonuses and other advantages, the use of part-time, the way professions traditionally dominated by women are remunerated with lower pay rates because of the stereotyped approach which regards interpersonal skills and responsibility for human beings as of lower value than physical strength and responsibility for material or financial resources.

In relation to these issues, the European Parliament adopted a Resolution in the 2004-2008 legislature (18 November 2008), based on the Bauer Report presented by the FEEM Committee. Notwithstanding the Commission's follow-up of 3 February 2009, the EP proposals for a review of Directive 2006/54 did not lead to any legislative amendment (the Commission explained that "given the time required for consultations and to prepare the impact assessment report, a proposal to this effect could be presented in 2010 at the earliest"). The Resolution on equal pay was re-adopted by the EP in the current legislature on 24 May 2012, yet it presumably seems to be doomed to follow the same unsuccessful path. Given this institutional deadlock, one could ask whether some room for the European social dialogue to intervene could be envisaged. The ETUC itself in its position of June 2008 pointed out the discrepancy between the European statistics and the considerably higher GPG rates indicated at national level, thus insisting that Eurostat should look at ways to overcome this existing limitations, introducing additional measures such as part-time GDP and the pension gap.

There are several soft regulative instruments on gender equality concluded by the social partners at intersectoral and sectoral European level. Besides, the Work Programme 2012-2014, when tackling the GPG, confirms the validity and the key-importance of the Framework of actions on gender equality of 2005, where the pay gap is pointed out as one of the 4 priority areas for action.

In this regard, the European social dialogue can contribute to the gathering of more clarified and thus more comparable data, which might eventually lead to GPG statistics elaborated on indicators and measures more precisely defined.

From a top-down perspective, guidelines, tool-books and training of negotiators on GDP issues can either prevent discriminatory clauses to be drawn up in collective agreements or foster the coordination of national collective bargaining processes so to develop comparable patterns.

Through a bottom-up process, the European social dialogue could coordinate and channel the evaluations and remarks pointed out by the national affiliates in their collecting bargaining activities and collect data from national sources.

This circular governance process could potentially favour the elaboration of more all-encompassing GPG indicators, which – in the absence of a legislative amendment – could be defined and introduced by soft regulative instruments concluded by the European social partners.

Still, the Italian case can be envisaged as particularly significant in observing the challenges and possibilities of this perspective of action. As a matter of fact, the critical change and evolution of industrial relations as traditionally known and the decentralisation of collective bargaining, prompted by the EU itself, might jeopardise not only the effectiveness of policies aimed at reducing the GDG, but also the chance to coordinate and develop more comparable contractual patterns and gather more reliable comparable data.

Summary Timetable

Time	Presenter	
7 th June		
12-13	Lunch & Editors welcome	
13.00 - 15.30 (2.5 hrs)	Deakin et al. Parken et al. Rubery	s.deakin@cbr.cam.ac.uk ParkenA@cardiff.ac.uk jill.rubery@mbs.ac.uk
3.30-4.00	Coffee	
4.00-6.30 (2.5 hrs)	Peetz Austen & Jefferson Guillaume Keith Whitfield, Rhys Davies & Robert McNabb	d.peetz@griffith.edu.au Siobhan.Austen@cbs.curtin.edu.au Therese.Jefferson@gsb.curtin.edu.au cecile.guillaume94@gmail.com Whitfield@cardiff.ac.uk daviesor@cf.ac.uk mcnabb@cf.ac.uk
	Dinner	
8 th June		
9.00 - 11.00	Tommaso & Piazzalunga Erne and Imboden O'Higgins	marialaura.ditommaso@unito.it daniela.piazzalunga@unito.it roland.erne@ucd.ie nohiggins@unisa.it
11-11.15	Coffee	
11.15- 13.00	Ugarte Villa Gottardi and Peruzzi	Sebastian.Ugarte@postgrad.mbs.ac.uk ester_villa@libero.it donata.gottardi@univr.it marco.peruzzi@univr.it
13-14	Lunch: Editors Conclusions	bb101@cam.ac.uk Mark.SMITH@grenoble-em.com jo72@brighton.ac.uk

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