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The hidden pay gap – the case of Luxembourg

Eva Sierminska¹
LISER

Abstract:

The gender wage gap in Luxembourg is one of the lowest in Europe. Nevertheless, it masks the very unequal situation across sectors employing a large share of the labour force. There are numerous action promoting more equality for women and men in the labour market. Difficulties remain when it comes to promoting women to positions of responsibility. Equal pay may take place if mandatory certification is introduced.

1. Luxembourg – a hidden gem in the heart of Europe

1.1. Background information on Luxembourg

It is one of the countries in the EU with the lowest gender pay gap with an average of wage difference of 5.5% between women and men.² This is in spite of the fact that the country benefits from having half of the work force coming from abroad and almost half of the population being foreign born. But is this too good to be true?

1.2. The gender pay gap in Luxembourg

1.2.1 The current gap

The current gender pay gap is very low in comparison to the EU average– one of the lowest in Europe. At 5.5%, this puts Luxembourg in third place behind Romania (5.2%) and Italy (5.3%). Most recently, between 2011 and 2016, the Grand Duchy reduced the gender pay gap by 2.4 points, registering a trend identical to that of most Member States. A low gender pay gap implies nevertheless that on average women still earn less than men. In the EU in 2016 women earned on average 16% less than men. In other words, for every euro earned in an hour by a man, a woman earned on average 84 cents. In France, the rate is 15.2%, while Germany exceeds the 20% mark, with 21.5%.

¹ This paper has been written in collaboration with Kristell Leduc (LISER) for the statistics. In addition, I would like to thank Carole Blond-Hanten (LISER) for valuable insights into the social aspects of gender equality in Luxembourg.

² <http://luxembourg.public.lu/fr/actualites/2018/03/13-ecartsalarial/index.html>

1.2.2 The evolution of the gap over time

Over the past decade, a lot of progress has been made in equalising pay for women and men and the gap decreased by almost half. In fact, the unadjusted gender pay gap decreased from 10.6% in 2006 to 7% in 2012 and continues to fall over the years. Based on calculations from the Structure of Earnings Survey (SES) the gap diminished substantially not only for all workers, but those working full-time and in particular those working part-time (See table 1 below). Although it is important to keep in mind that we are not saying anything regarding whether this is voluntary or involuntary part-time work.

Table 1. Gender pay gap* in unadjusted form by NACE Rev. 2 activity (B-S except O) for Luxembourg**

	2014	2010	2009	2008	2007
Part-time	-6.6	9.8	11.3	12.8	14.4
Full-time	7.1	10.8	11.2	11.5	11.8
Total	5.4	8.7	9.2	9.7	10.2

Source: EUROSTAT, Structure of Earnings Survey (SES). The four-yearly Structure of Earnings Survey (SES) 2002, 2006, 2010 and 2014, and with the scope as required by the SES regulation. For the years between the SES years: national estimates based on national sources, from reference year 2007 onwards, with the same coverage as the SES.

* Gross hourly earnings, including paid overtime and excluding non-regular payments.

** Are concerned all persons who have a direct employment contract with the enterprise or local unit with 10 employees or more and receive remuneration, irrespective of the type of work performed, and the duration of the contract (fixed or indefinite).

1.2.3 The hidden pay gap in Luxembourg?

The pay gap has been decreasing and it is relatively small, but when decomposed across sectors a different story is revealed (see Table 2). In some sectors, it is quite substantial. In particular, in the financial and the insurance sector and in wholesale and retail trade, where the gap (in both) was about 22% in 2017. In addition, these two sectors employ a relatively large share of the labor force (about 11%). The gap is about 25% in the professional sector. All three of these sectors employ about an equal share of women and men. In the electricity, water supply and construction sectors there is a very small gap in favor of women, but these sectors employ very few women (about 2% in total versus 18% of men). Human health and other service activities are female dominated sectors. In the first one, the pay gap does not exist and in the latter, it is the highest out of all the sectors and stand at about 30% (and has been increasing over time more or less).

Table 2: Gender pay gap* in unadjusted form by NACE Rev. 2 activity for Luxembourg**

	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007
C: Manufacturing	14.8	14.9	15.3	16.2	15.8	15.6	15.9	16.2	16.9	17.5	18.2
D: Electricity, gas, steam & air conditioning supply	-1.7	-1.3	-1.7	-2.0	-1.0	0.7	2.9	5.1	:	:	:
E: Water supply; sewerage, waste management & remediation activities	-2.1	-4.0	-4.9	-6.3	-9.8	-14.0	-17.7	-21.0	:	:	:
F: Construction	-0.7	-0.6	-0.6	-0.6	-1.7	-4.0	-6.4	-7.7	-7.3	-7.0	-6.6

G: Wholesale and retail trade (..)	22.0	22.7	21.8	21.8	21.8	23.3	25.0	27.0	26.9	26.8	26.6
H: Transportation & storage	7.3	7.8	6.7	5.2	5.3	8.7	8.9	7.1	:	:	:
I: Accommodation & food service activities	11.0	12.0	12.2	12.9	13.5	16.0	16.8	17.0	17.2	17.4	17.7
J: Information & communication	15.3	17.2	19.0	19.9	20.3	19.9	19.2	17.8	:	:	:
K: Financial & insurance activities	22.1	23.0	23.1	22.5	23.0	24.0	25.7	26.0	27.0	28.1	29.1
L: Real estate activities	16.8	19.1	20.8	23.2	23.8	22.1	23.0	25.4	:	:	:
M: Professional, scientific & technical activities	25.4	25.4	25.1	24.7	23.3	22.8	22.3	21.1	:	:	:
N: Administrative & support service activities	13.5	13.8	13.8	13.8	14.1	14.1	13.0	15.1	:	:	:
P: Education	3.8	3.8	3.9	3.8	4.8	5.5	6.5	6.7	9.6	12.5	15.5
Q: Human health & social work activities	0.1	0.1	0.1	0.1	1.5	2.3	4.1	5.2	5.4	5.6	5.7
R: Arts, entertainment & recreation	12.3	14.0	14.3	15.1	14.9	16.6	18.2	19.5	:	:	:
S: Other service activities	30.7	30.6	31.7	34.2	29.6	26.1	22.0	17.6	:	:	:
Total	5.0	5.5	5.5	5.4	6.2	7.0	7.9	8.7	9.2	9.7	10.2

Source: EUROSTAT, Structure of Earnings Survey (SES). The four-yearly Structure of Earnings Survey (SES) 2002, 2006, 2010 and 2014, and with the scope as required by the SES regulation. For the years between the SES years: national estimates based on national sources, from reference year 2007 onwards, with the same coverage as the SES.

Note: In **Yellow** sectors are highlighted, where a majority of women are employed. In **green**, where the share of women and men employed is between 40-59%

* Gross hourly earnings, including paid overtime and excluding non-regular payments.

** Are concerned all persons who have a direct employment contract with the enterprise or local unit with 10 employees or more and receive remuneration, irrespective of the type of work performed, the number of hours worked (full or part-time) and the duration of the contract (fixed or indefinite).

1.2.4 Explanation for the existence of the gender pay gap in Luxembourg

The average and median gender pay gap is not very strong (5% and -5%, respectively), but varies substantially across sectors. To add to this puzzles, a majority of women (60%) work in the top paid sectors (P, O, K, J, M, Q), while a majority of men in the worst paid sectors (I, LN, F, G, H, BE). These points to the fact that substantial inequality between women and men exists within sectors. In fact, in most sectors wages for women are lower than for men and on the other hand, they have a tendency to work in better-paid professions.³ Based on the evidence, there seem to be two forces at work. On one hand, women are better qualified than men. On the other hand, men are given more opportunities to find themselves in management positions, which are substantially better paid.

Another way to try to pinpoint the sources of the gender gap is to observe the gender pay gap across the ages. Based on Table 3, we see that women do not start out in the labor market with a wage

³ Source: J. Ries, L. Mapengo, 'Salaires, emploi et conditions de travail – Premiers résultats de l'enquête sur la structure des salaires de 2010, Bulletin du Statec n° 2/12, Statec 2013)

disadvantage. It is something that occurs as people grow older and gain more experience in the labor market.⁴

Table 3. Gender pay gap* in unadjusted form by NACE Rev. 2 activity (B-S except O) for Luxembourg**

	2014	2010	2009	2008	2007
Less than 25 years	-4.4	-6.2	-5.8	-5.4	-5
From 25 to 34 years	-5	-3.2	-1.8	-0.4	1.1
From 35 to 44 years	0.5	6.5	6.6	6.8	6.9
From 45 to 54 years	9.7	14.6	14.9	15.3	15.6
From 55 to 64 years	16.7	21.6	22.4	23.1	23.9
Total	5.4	8.7	9.2	9.7	10.2

Source: EUROSTAT, Structure of Earnings Survey (SES). The four-yearly Structure of Earnings Survey (SES) 2002, 2006, 2010 and 2014, and with the scope as required by the SES regulation. For the years between the SES years: national estimates based on national sources, from reference year 2007 onwards, with the same coverage as the SES.

* Gross hourly earnings, including paid overtime and excluding non-regular payments.

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1.3. Current legal set-up in Luxembourg: Equal pay and gender pay gap

The main provisions ensuring equal pay for equal work in Luxembourg are from the [Labour Code](#) updated on December 27, 2016 ([articles L. 225.1 to L. 225.5](#)). The principle of equal opportunities between men and women also applies to the following.

- Conditions of access to employment, including selection criteria and recruitment conditions, whatever the sector of work and including all levels of the professional hierarchy and promotions.
- Access to all types and all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience.
- Employment and working conditions, including dismissals and pay.
- Membership or involvement in an organisation of workers or employers, or any organisation whose members carry out a particular profession, including the benefits provided by such organisations.

In terms of access to employment and to training leading to employment, a difference of treatment based on gender does not constitute discrimination if by reason of the nature of the particular occupational activities concerned or the context in which they are carried out, this constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

⁴ This is also found in other papers analysing Luxembourg such as LEDUC Kristell. Ecart salarial à l'embauche selon le genre : une analyse par métier. CEPS/INSTEAD, 2013, Les Cahiers du CEPS/INSTEAD n°2013-05, 20 p.

The legal provisions prohibit any direct or indirect references to the sex of the employee in employment offers or notices and in criteria for professional aptitude tests. Any legal or contractual provision violating the principles of equal treatment is deemed to be null and void. All employers must ensure equal remuneration for men and women who do similar work or work of equal value. Otherwise, they face a penalty. In reality, the situation is much more complex due to horizontal and vertical segregation in the workplace and stereotypes, which place invisible barriers in the workplace.

1.3.1 Industrial relations in Luxembourg⁵

When social dialogue or labour relations within the Grand Duchy are discussed, the concept of the '[Luxembourg model](#)' is often brought up. This is a model of social dialogue and culture capable of settling disagreements, and of bringing the main players from different backgrounds together in order to reach consensus on what measures will enhance the country's economic and social well-being. This is a very important dimension of the institutional set-up in Luxembourg and plays an important role among social dialogue players at every level. Another characteristic of Luxembourg's social dialogue is its traditionally tripartite dimension, involving trade unions, employer organisations and the government. The state is regarded as a social partner in its own right. Most of the important agreements reached at national level – for example on inflation control, budget balance, corporate competitiveness and the labour market situation – are in fact negotiated by all three parties.

2. Policy debate

Policy actions

Luxembourg has put in place several policy actions as national plans in order to ensure the equality between women and men (PAN Egalite-Equality). The first one in 2006 was evaluated positively and two more were repeated in 2009 and 2015. These plans are aligned with the government's goals in the area of economic and social development.⁶

The Ministry of the Equality between women and men (MEGA Ministère de l'Égalité entre femmes et hommes) is the main body in charge of ensuring equality between women and men. It takes on many functions not only in professional life, but also, political, education, against violence, human treatment and exploitation. In terms of professional life, it has two main missions including reduction of the gender pay gap and promoting women's presence on advisory boards.

Current policy debate

The latest coalition programme for the years 2018-2023 raises the following points⁷:

Concerning the gender pay gap, the new government, together with the social partners and associations, finds it necessary to raise awareness on the consequences of professional activity interruptions and choosing part-time employment. The reconciliation of family and professional

⁵ Source is EUROFOUND country profile <https://www.eurofound.europa.eu/publications/report/2015/luxembourg-working-life-country-profile>

⁶ The latest report can be accessed here : <http://mega.public.lu/fr/societe/politique-niveau-national/action-national-femmes-hommes/index.html>.

⁷ Based on the published coalition agreement p.113 « Accord de coalition 2018-2023 du nouveau gouvernement du Luxembourg » January, 2019

responsibilities will be analysed on an ongoing basis and proposals for innovation and/or improvement will be made, including those concerning childcare.

Equal pay “by law” should lead to de facto wage equality in the world of work in accordance with the provisions set out in the Labor Code. In this context, it is particularly important to reinforce the means of control of the Labor and Mines Inspectorate.

A neutral professional orientation in terms of gender will be encouraged. The use of the provisions of the Labour Code regarding the under-represented sex will also be promoted to enhance professional diversity.

3. Good practice examples⁸

3.1. Action plans

In Luxembourg, many actions have been initiated to address the issue of gender equality and more recently, an emphasis has been placed on the concept of equality of opportunities. Some of these policies and good practice examples of policies and initiatives as related to the seminar topic are discussed below.

3.1.1 Girls Day

Since 2002, Girls Day and Boys Day (first separately and now as an integrated activity (<http://www.girls-day.lu>) are organised in order to sensitise girls to occupations traditionally considered “male” and boys to occupations traditionally “female.” The goal of this school activity is to eliminate stereotypes that traditionally surround certain professions.

3.1.2 Positive action programme

Since 2009, the idea of a positive Action programme (Action +) has been put in place in firms, public institutions and other organisations in order to promote and work with them to establish plans for creating and supporting professional equality within the structure of the organisation. The objective is to improve equality between women and men with concrete measures at all levels of the structure and for each profession and in all services. These action plans require first to collect data regarding the situation of equality between women and men in order to perform some diagnostics. This is done by an expert from the ministry and allows to develop a concrete action plan tailored according to the needs of a particular firm based on an employee survey of satisfaction. For each entity, if the ministry approves the plan of action then a ministerial agreement is signed and a subsidy is received to help implement the positive actions.

A special software Logib-Lux is used in order to measure whether wage inequalities exist within the institution. It also allows distinguishing some causes of the existing gap. This is software subsidised

⁸ In what follows a lot of the examples are based on the paper by Pascale Marchal Griveaud «Pratiques de suivi et d'évaluation de l'égalité des chances dans le monde du travail au Luxembourg»

by MEGA (see below 3.1.4.). Organisations, which are models of excellence in Luxembourg in the area of professional equality are awarded an award Action +.

3.1.3 Label: Socially Responsible Enterprise

In 2008, under the initiative of the Union of Luxembourgish Enterprises (l'Union des Entreprises Luxembourgeoises) and other professional organisation, the National Institute for Sustainable Development and Corporate Social Responsibility (INDR) was created.⁹ One of the institute's objectives is to create a dynamic in Luxembourg in terms of Sustainable Development (SD) and Corporate Social Responsibility companies (CSR). This includes making companies aware of their current progress in CSR & SD; and publicly recognising those companies that are active in CSR & SD.

The INDR aims to promote responsible business practices in Luxembourg by assisting companies of all sizes to align their economic, social, and environmental objectives and recognise those firms which successfully do so. A company is assessed based on 120 questions, which cover the social, governing and environmental pillars. With regard to the social pillar, two themes "Respecting Human Rights" and "Paying Responsibly" include three specific issues that contribute to the evaluation of professional equality including salary, namely: " (...) 75. We ensure respect for human rights throughout our value chain; 86. We provide responsible remuneration to our employees; 87. We provide recognition to our employees." In order to be part of the evaluation, any company, public or private organisation is free to register online on the website. The company undergoes a self-assessment by answering 120 questions that cover all the themes of the three pillars. The answers are classified according to four levels of maturity proposed (awareness, implementation, reporting or sharing). Each level consists of three to four criteria, some necessary and mandatory, others are optional. Once ready, the company validates its results and makes a participation contribution in order to receive the score. If the mark is greater than 50%, the INDR proposes the arrival of a certified evaluator.

In the final evaluation, depending on the size of the company, a set of questions (from 120 originals) is generated automatically and randomly. The independent expert checks the conformity of the answers, the declared maturity of the company on the themes and in its activities. The justifications provided during the self-assessment are analysed. If all of the verification is satisfactory, the company receives an official certificate of being a Socially Responsible Enterprise. Then it contributes annually to the INDR. Contribution scales are established by size, number declared employees, etc. A recertification procedure is carried out every 3 years, in order to ensure continuity of CSR & SD actions of the company.

⁹ L'Institut national pour le développement durable et la responsabilité sociétale

3.1.4 Other actions

Logib-Lux software

Logib-Lux is a software programme developed specifically to measure the equality of salaries within companies. Businesses therefore have a better understanding of their situation with respect to pay inequalities, but above all, they are able to pinpoint possible causes of these differences.

This tool is funded by MEGA and allows companies to analyse wage differences according to sex through a web utility. It then produces a report that presents the results, identifies some causes of inequalities, and proposes some approaches to eliminating the gaps. The tool takes into account: age, professional experience, years of service, training/education, level of responsibility, and professional position. Career breaks may also be included as an additional criterion. The ministry advises the use of this software to companies with more than 50 employees. For smaller companies, MEGA offers a guide in order to self-assess whether salary differences exist, to revise wage policies if necessary and to put in place an egalitarian policy for the treatment of women and men.

The delegate for equality among the staff delegation¹⁰

After each election cycle, a delegate for equality is chosen from among the members of the staff delegation. Their main mission is to defend the equal treatment of employees, including the access to employment, training, promotion, salaries and work conditions between women and men. The role and mission of the delegate for equality in the public or private sector is defined by the Labor Code (See Appendix A).

Continuing education for civil servants who fulfill the function of delegate to equality is organised by the National Institute of Public Administration (INAP). The goal of these trainings is to: (i) raise awareness of different concepts and aspects of gender; (ii) present the international, European, national and communal framework of the policy of equality between women and men; (iii) deepen the national legislative context with practical examples; (iv) take into account the working context of the participants; (v) provide practical exercises in internal communication, conflict management and mediation. Continuing education is also organised by trade unions and EST (Ecole Supérieure du Travail).

3.2. Good practices

3.2.1 At the national level for the Ministry of Equal Opportunities (MEGA)

Under Actions +, MEGA conducts an assessment in participating companies focused on (1) the work-life balance, (2) the gender equality of the decision-making, and (3) equal pay.

Since the beginning of 2015, MEGA has been asking companies that wish to participate in the programme of Actions + to provide information on the current gender composition of their board of directors (CA) and Steering Committees (CODIR) as well as their targets regarding these two levels

¹⁰ Social elections take place in companies every 5 years. At this time, employees vote to elect the members of the staff delegation in their business.

in order to achieve a better balance www.mega.public.lu between women and men within 24 months of obtaining ministerial approval to participate in the programme.

A bill passed on 24 November 2016 by the Chamber of Deputies, which concerns a modification of the Labor Code, formalises this administrative practice. It creates a legal basis in order to achieve the setting of quantitative targets for equality between women and men in decision-making. This has become an eligibility criterion for obtaining Ministerial approval for participation in the Actions + programme. This new law instills the use of the LOGIB-LUX software (discussed in section 3.1.4.1.), in order to detect systematic inequalities of wages in the programme enterprises. The dissemination of the results are not mandatory, but proof of use is requested.

3.2.2 Other examples of good practices

Other examples of good practices in firms can be accessed on the Web Portal: Equality between Women and Men accessible via www.mega.public.lu. These practices concern not only equal action for equal pay, but also working conditions and hiring (such as part-time and temporary employment).

4. Transferability aspects-the case of Luxembourg

In Luxembourg, there are several ways of obtaining a certification similar in spirit to the one proposed by Iceland. The first is by the Ministry of Equality between Women and Men (MEGA) and is the Action + award, which would signify that certain equality standards are met in the area of work-life balance, gender equality of the decision-making and equal pay. A company may also obtain the label of being socially responsible, which at the heart also contains the idea of equal pay.

Finally, we also have the PwC Equal Pay certification, which is an initiative of a private company. Some companies have already obtained this certification. In some circles, they are most likely to go after the private company certification rather than the ministries. It could be that the private label has more prestige attached to it and would be better known internationally and thus, would be more likely to attract the international labour force.

5. Conclusions and recommendations

Mandatory certification. A law would help all companies and institutions reach out to obtain this type of certification. If there is no law then it would be important to provide incentives for obtaining such a certificate. Obtaining a certificate is a very slow process. Given the decision-making process in Luxembourg, some additional time may be required to ensure that social dialogue can take place. The obligation to discuss gender equality in collective bargaining should be broadened to include an obligation of results.

It would be important for the certification process to be a transparent one. The fact that discretion is given to employers regarding particular personal skills and individual factors makes it a very challenging process for all employees in the salary grid. It will be very difficult to implement this certification at higher levels (management, leadership, with high professional experience) as has been identified that a big problem for the equality for women and men is the fact that women are not given

the same opportunities to have positions of higher responsibility. The Equal Pay certification will not change this. Additional laws (quotas, incentives) would need to be put in place for women to be able to be given these opportunities – even encouraged. Otherwise, the stereotypes will remain and so will unequal pay.

Appendix A:

Labor Code: Equal treatment

Art. L.225-1.

Every employer shall provide, for the same work or for work of equal value, equal pay for men and women.

Art. L.225-2.

For the purposes of this Chapter, wages means basic or minimum regular wages and all other benefits, paid directly or indirectly, in cash or in kind, by the employer to the employee because of the employment of the latter.

Art. L.225-3.

(1) Work is considered to be of equal value that requires employees a comparable set of professional knowledge of a degree, diploma or professional practice with acquired experience, responsibilities and physical or nervous load.

(2) The different elements making up the salary are established according to identical standards for men and women.

The categories and criteria for classification and professional promotion as well as all other bases for calculating the wages, including job evaluation methods, must be common to employees of both sexes.

Art. L.225-4.

Any provision appearing in particular in a contract of employment, a collective labor agreement or an internal regulation and for one or more employees of one of the sexes, a salary lower than that of employees of the other sex for the same work or work of equal value is null and void.

The higher salary enjoyed by these employees is automatically substituted for the one provided by the tainted with nullity.

Art. L.225-5.

The employer who does not respect the obligation entered in the article L. 225-1 will be punished with a fine of 251 to 25.000 euros

However, in the event of a repeat offense within the two-year period, the penalties provided for in the preceding paragraph may be applied up to double the maximum."

Appendix B:

Delegate of Equality

Concrete powers of the delegate for equality guaranteed by the Labor Code:

In the areas of his mission, the Equality Officer is entitled:

- to express their opinion and make proposals;
- propose to the employer actions that would raise awareness among the company's salaried employees;
- to prepare and present to the employer a plan of concrete measures that would promote equal opportunities between women and men;
- to present to the employer any complaints individual or collective;
- to prevent and settle disputes, individual or collective, that may arise between the employer and the salaried staff in the field of equal treatment between men and women;
- to seize, in the absence of a settlement of the above-mentioned disputes, the Labor and Mining Inspectorate of any complaint or observation;
- to convene once a year, separately, the salaried staff of each sex separately;
- to ensure equal training for apprentices in the establishment;
- to collaborate in the establishment and implementation of the apprenticeship system;
- to provide consultation in an appropriate room for the institution's salaried staff during or outside of working hours. In the latter case, the Equality Officer must agree with the head of company regarding the time and the arrangements for organising these consultations;
- to give its opinion prior to any creation of a part-time position in the establishment.

Regarding sexual harassment (Sexual harassment (Article L.245-6 of the Labor Code)):

The delegate responsible for ensuring equality between women and men or, the delegate, if there is one, is responsible for ensuring the protection of employees against sexual harassment in connection with job.

For this purpose, s/he may propose to the employer any preventive action that s/he deems necessary.

The staff delegation and the delegate for gender equality, if one exists, are authorised to assist and advise the worker who is the subject of sexual harassment.

They are obliged to respect the confidentiality of the facts of which they are aware in this respect, except in the case, where they are exempt by the harassed person.

The worker who is subject to sexual harassment has the right to be accompanied and assisted by a delegate to interviews with the employer or representative of the employer, which take place as part of the harassment investigation sexual.