EQUAL PAY - THE SWEDISH SITUATION IN APRIL 2013

How wide is the wage gap?

Swedish National Mediation Office (Medlingsinstitutet), Annual report 2012:

In 2011 women had 85.9% of men’s salaries. The “unexplained difference” was 5.9% for the whole labour market.

Statistics Sweden, Women and Men in Sweden, Facts and Figures 2012 (SCBs skrift “På tal om kvinnor och män”) The incomes of women were in 2011 79.3% of men’s income.

In the long run a slight improvement can be identified. It is a very slow change however.

Recent initiatives of the government

Kommittédirektiv 2011:80: setting up a Delegation for equal opportunities between men and women in the labour market (Delegation för jämställdhet i arbetslivet), with instructions to put together and describe knowledge about the lack of equality.

Kommittédirektiv 2012:80: Proactive measures to prevent discrimination and promote equal rights and opportunities (Aktiva åtgärder för att förebygga diskriminering och främja lika rättigheter och möjligheter). The task of the committee is to evaluate existing legislation, make it more legible and effective and to consider an extension to other discrimination grounds.

Orders and “expectations” directed in documents to The Equality Ombudsman (DO, Diskrimineringsombudsmannen). See further

a/ the government approval document (regleringsbrevet)

b/ special instructions to work with active measures to promote equal opportunities between men and women

c/ additional financial resources, 9 million Swedish crowns, for control of wage surveys and action plans for equal pay

Initiatives of The Equality Ombudsman

Has in April 2013 started a follow up of the so called “miljongranskningen”, a comprehensive equal pay razzia by the former Equal Opportunities Ombudsman
Initiatives of unions, some examples

In 2012 the concept of structural discrimination was definitely put on the agenda by some unions organizing mainly women. It was done by demonstrations on the 8th of May and debates in Almedalen claiming that the wages in the industrial sector should not establish the norm of the level of wage increases for female dominated professions in the public sector. “The 15.51-movement” started in 2011. It is a joint initiative by women associations and some unions.

The union Unionen, organizing private sector administrative staff, argues for an amendment of the legislation on wage surveys. Up to 2009 the law stated a duty for employers with 10 or more employees to conduct wage surveys and draw up action plans every year. Since the limits were changed to a three years interval and a number of at least 25 employees employers to a growing extent neglect the legislation. Unionen requests a return to the former rules.

The union Akademikerförbundet SSR, organizing social workers and others with an academic education, has recently published a report on a study how the local governments comply (read: not comply) with the wage survey legislation and also put forward a number of suggestions how to improve the legislation. Among the proposals for amendments is that Job evaluation must be gender neutral and that surveys should be linked to the wage negotiations.

The union Vision, organizes employees in local governments. The union has recently brought a dispute on equal pay for equal work to the Labour Court. Vision is also involved in a case before The Board Against Discrimination regarding the negligence of the city of Halmstad to respect the wage survey legislation.

These unions together with others including Svenska Kommunalarbetareförbundet, organizing municipal workers, require explicit wording in the collective agreements about equal pay methodology. There actually are a number of collective agreements with clauses about equal pay and wage surveys but so far the employers have not been specially interested in more far-going clauses, arguing that the discrimination legislation is sufficient.

The Swedish Labour Court and The Board Against Discrimination

There are from the last two years some court decisions about women who have been negatively treated when the employer has been informed of the woman’s pregnancy. In AD 2013: 18 the employer withdrew a promise to improve salary. There are however no recent cases that directly deal with equal pay for equal work or for work of equal value

Research, one example

Professor Åsa Löfström, Umeå University, has given important contributions to our knowledge of wage differences between men and women. In ”Betygsgapet mellan flickor
och pojkar – konsekvenser för framtidens arbetsmarknad, underlagsrapport 11 till Framtidskommissionen” she discusses the consequences of a changed educational pattern between men and women could maybe be seen in wages.

Conclusions

We can identify a trend to fight unfair wage differences by making injustice visible. There is a renewed interest in the legal provisions on wage surveys and action plans. A focal point in the discussions is what can be done by the social partners at the negotiation table.

The dilemmas are:

a/ legislation has so far has not been very effective in spite of the fact that the active measures legislation on equal pay has been in force for 19 years.

b/ the unions have not got any breakthrough despite their efforts to close the wage gap through collective agreements even if there are some positive signs.

My hypothesis: old patterns of attributing work performed by women less value and less pay in comparison to male work still exist and sometimes seem to be supported – not challenged or convinced – by legislation and by collective agreements.

Issues to discuss

- The relationship between legislation and collective agreements. Does legislation on active measures support or disturb the efforts of the social partners? Is there a recipe for success?
- Should the legislation be extended to other discrimination grounds?
- What could be done by the governmental institutions which have a responsibility for equality? Are we satisfied with their work for equal pay?
- What changes in the society could speed up and enhance the fight for equal pay?
- What kind of research can support a positive development?
APPENDIX

Excerpt from The Swedish Discrimination Act, SFS 2008:567

Chapter 3. Active measures

Working life

Cooperation between employers and employees

Matters of pay

Section 10

In order to discover, remedy and prevent unfair gender differences in pay and other terms of employment, every three years the employer is to survey and analyse

– provisions and practices regarding pay and other terms of employment that are used at the employer’s establishment, and

– pay differences between women and men performing work that is to be regarded as equal or of equal value.

The employer is to assess whether existing pay differences are directly or indirectly associated with sex. The assessment is to refer in particular to differences between

– women and men performing work that is to be regarded as equal, and

– groups of employees performing work that is or is generally considered to be dominated by women and groups of employees performing work that is to be regarded as of equal value to such work but is not or is not generally considered to be dominated by women.

Section 11 Every three years employers are to draw up an action plan for equal pay in which they report the results of the survey and analysis described in Section 10. The plan is to indicate the pay adjustments and other measures that need to be taken to bring about equal pay for work that is to be regarded as equal or of equal value. The plan is to contain a cost estimate and a time plan based on the goal of implementing the necessary pay adjustments as soon as possible and within three years at the latest.

A report on and evaluation of how the planned measures were implemented is to be included in the next action plan.
The obligation to draw up an action plan for equal pay does not apply to employers who employed fewer than 25 employees at the start of the latest calendar year.