



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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against Women**

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**Response to the follow-up recommendations contained in the
concluding observations of the Committee pursuant to the
examination of the sixth periodic report of the State party on
2 February 2009***

Germany

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I. Introduction

1. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW of 1979) came into force in the Federal Republic of Germany on 9 August 1985 (Federal Law Gazette 1985 II p. 648). Germany thereby committed itself to adopting measures for the national implementation of the Convention on the basis of Article 18. As a means of monitoring progress, this convention on women's rights foresees country reports, which are to be submitted at regular intervals by the State Parties and subject to a review process (Art. 21) conducted by the Committee on the Elimination of Discrimination against Women (CEDAW Committee).
2. The sixth German country report was ratified by the Federal Cabinet in June of 2007 and submitted to the United Nations in September 2007. It was subsequently reviewed by the CEDAW Committee (forty-third session, 19 January to 6 February 2009). In its concluding observations of 2 February, the Committee designated main problem areas and recommendations and called upon the Federal Republic of Germany to submit written information within two years regarding the measures that were adopted to implement the recommendations contained in the paragraphs 40 (Reduction and Elimination of Pay and Income Differences between Women and Men) and 62 (Dialogue with Non-governmental Organisations for Intersexual and Transsexual People).
3. The following information is provided to comply with this request.

II. Information provided by the federal Government on measures to implement the recommendations in paragraph 40 of the concluding observations of the CEDAW Committee of 2009

A. Sustainably overcoming pay differences between men and women in Germany

1. The task at hand

4. In its concluding observations of 2 February 2009, the CEDAW Committee called upon the Federal Republic of Germany to submit written information within two years regarding the measures that were adopted to implement the recommendations contained in paragraph 40 (Reduction and Elimination of Pay and Income Differences between Women and Men).
5. Further tasks present themselves for the Federal Government in the wake of the coalition agreement "*WACHSTUM. BILDUNG. ZUSAMMENHALT*" (Growth, Education, Cohesion), for the 17th legislative period: "We are developing a framework for the equal participation of women and men in all phases of the life cycle. The federal initiative for equality between women and men in business and industry will be included" and "We want to implement the principle of 'equal pay for equal work' for women and men and thereby overcome pay inequality. We will appeal to business and industry to implement the consultation-supported pay testing procedure Logib-D. It is intended to determine pay differences and their causes. The joint efforts to overcome pay inequality are to be assessed. Public service must make use of all its potential to become more sensitive to the needs of women and families." (Chapter III. 4)

6. The report submitted by a panel of experts in January of 2011, in preparation for the First Equality Report of the Federal Government, dated 15 June 2011, addresses the topic of pay inequality and develops recommendations for action which are currently being examined by the Federal Government.

7. The first part of this text assesses Germany's overall strategy to overcome the differences in earnings between women and men within the context of the Federal Government's strategy for sustainable development in Germany.

8. Guiding principles of Germany's National Sustainability Strategy are "intergenerational equity" and "quality of life", "social cohesion" and "international responsibility". In this conjunction, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth pursues a policy that also takes our responsibility for future generations into account by increasing the level of economic productivity, protecting natural resources, enhancing social cohesion and ensuring that people who invest their time by assuming responsibility and providing unpaid care for others do not suffer from a loss of income in the long term.

9. Ensuring fair chances for everyone is a precondition for social cohesion. Equal opportunities for women and men in the economy and in society are a precondition for sustainable development. The gap in earnings between women and men is therefore suited as a key indicator in illustrating various aspects of the continuing inequality between women and men in working life. Hence, sustainability policy and equality policy go hand in hand. Ensuring fair income perspectives for women and men during the course of their lives is therefore one of the priorities of the Federal Government's equality policy in the current legislative period.

2. Equal pay as an objective of the sustainability strategy

10. The unadjusted gender pay gap, i.e. the difference determined between the average gross hourly wages of women and men when differences in qualifications, professions or employment biographies are not taken into account, is still 23 per cent in Germany. Among university graduates and executives, the difference is even greater.

11. The goal of sustainability strategy is to illustrate the causes of the differences in pay between women and men and to develop ways of taking action to effectively reduce this pay gap in Germany. In this conjunction it must be made clear, which options the individual parties actively involved have and with whom cooperation can be forged.

12. In keeping with the approach of the EU Commission, the Federal Government has adopted a strategy tailored to the causes in order to overcome pay inequality. Various research projects have provided evidence of the fact that the gender pay gap can be attributed essentially to three causes:

(a) Women are seldom found in certain professions, sectors and on the higher rungs of the career ladder: horizontal and vertical segregation continues to be a reality in the labour market;

(b) Women interrupt and reduce their employment for family reasons more often and for longer periods than men;

(c) Individual and collective pay negotiations have not been able to make a sustainable contribution toward ending the lower evaluation of "typical women's jobs".

13. Thus, (nearly) all facets of the problems encountered by women in working life come together in this pay gap – the relationship of the gross hourly wages between women and men. The limited spectrum of career chosen by women, the obstacles in their career paths, traditional role models in some social milieus, the objective and psychological

difficulties involved in striking a balance between family and working life, and the accompanying hurdles encountered in re-entering the working world after a family-related interruption in employment contribute to the pay gap, along with the evaluation of typical women's occupations.

14. At the same time, the pay gap itself can influence women's employment behaviour. Poorer income prospects lead to a lower inclination to engage in gainful employment, longer interruptions in gainful employment lead to greater inequality in pay – a vicious circle. If – and for as long as – women earn less than men, they will leave the labour market more often for family reasons and confirm employer prejudices according to which they are seen as earners of “supplemental income”. Women who are forced to become breadwinners as a result of a man's unemployment, death or divorce, must then provide for their families on a smaller, woman's income. The pay gap puts such families at risk of poverty.

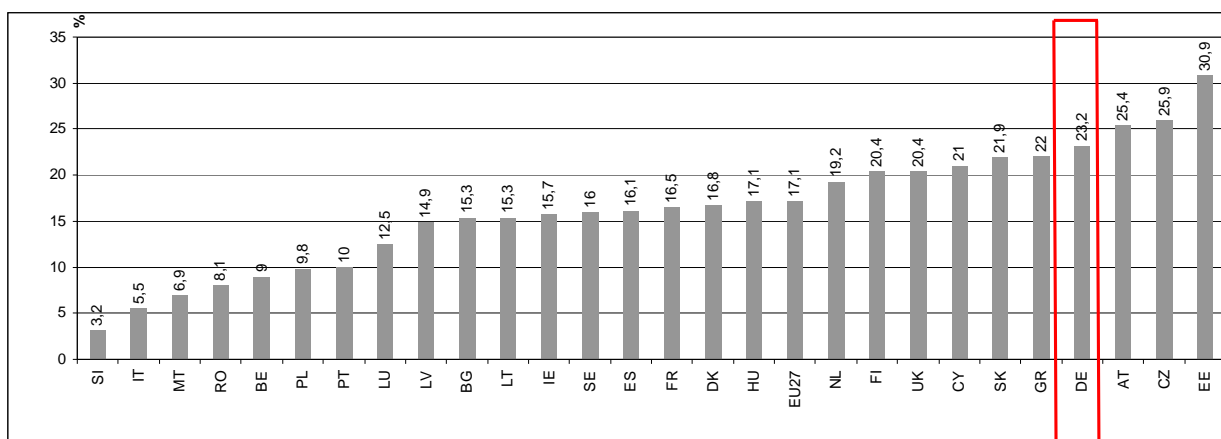
15. The Federal Government has devoted increasing attention to the topic of pay inequality in recent years. Numerous initiatives encourage young women and men to keep a more open mind with regard to their careers and, thus, to overcome the classic divisions in the labour market. The parental allowance, in conjunction with partner months, contributes, along with the expansion of childcare and the programme of action “Vocational Re-integration as a Perspective”, to reducing the period for which women interrupt their gainful employment for family reasons. The General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz* - AGG) now makes it possible to have decisions regarding promotions or cases of undue preference reviewed by the courts.

16. The fact that gender-specific differences in income persist in Germany has provided the Federal Government with an impetus to redouble its efforts in this area.¹ Hence, the reduction in pay differences was chosen in 2002 as an indicator of progress on the path to equality between men and women, and, in 2008, the so-called gender pay gap (in keeping with European policy) was adopted as an indicator of the differences in earnings and equality in working life in the progress report “For a Sustainable Germany” (*Für ein nachhaltiges Deutschland*). Consequently, pay differences are to be reduced to 10 per cent by 2020.

B. Differences in earnings in Germany

17. According to the most recent figures, the differences in pay between men and women in Germany averaged 23 per cent (gross hourly wage in 2010). In an EU comparison (using figures from 2009), Germany ranges near the end of the middle segment, in fifth-to-last place, just ahead of Austria (25.5 per cent) and the Netherlands (23.6 per cent). However, this alone is still relatively insignificant, since countries with a lower rate of female employment also often display a narrower gender pay gap.

¹ See coalition agreement 2009, chapter III.4. By adopting Resolution 17/901 of 4 March 2010, the Bundestag again addressed pay equality in no. 7: “The German Bundestag calls upon the Federal Government ... to make an effort, despite the primary responsibility of collective bargaining partners and the individual employer, to eliminate pay inequality between women and men; for this purpose a strategy for overcoming pay inequality tailored to the causes must be developed, which, along with the consultation-supported pay analysis method Logib-D, also includes measures to encourage women to play a stronger role in pay negotiations and to combat the underevaluation of female-dominated occupations; special focus should also be placed on rural areas, where there is an even greater gender-specific pay gap.

Figure 1: Gender Pay Gap in the EU Member States in 2009²

1. Background information on the gender pay gap

18. In documenting pay differences, the Federal Government orients itself on official statistics provided by the Federal Statistical Office, which are represented in the structural indicator “Gender Pay Gap” (GPG). The calculation of the GPG is also the basis for the annual determination of the structural indicator for the European Commission by Eurostat and thus European comparability. The basis of these calculations is always the so-called unadjusted (average or simple) pay gap, i.e. the simple comparison of the gross wages of women and men.³ The GPG represents the difference between the average gross earnings of women and men in per cent. In this conjunction, all working women and working men in the economy as a whole are taken into consideration, without limits based on age or working hours since 2006 (however, without the public sector up until now). The data is provided by the uniform EU structure of earnings survey, which has been conducted every four years since 2006.⁴

² Gender Pay Gap (gross hourly wage) between men and women in EU Member States 2009, source: Eurostat (Structure of Earnings Survey 2010 and national sources (2009) for yearly SES-comparable estimates. Exceptions to the reference year: 2007 data for EE, 2008 data for BE and GR).

³ In addition to the Structure of Earnings Survey by the Federal Statistical Office, there are numerous other sources of data to describe the gender-specific income situation, which each represent a segment of our employment system and differ from official statistics with regard to the collection methods, the chronological and sectoral boundaries and their breadth (e.g., the individual characteristics surveyed) as well as with regard to the data that is made available (such as gross and net earnings, hourly, monthly or annual income). Thus, they also differ in terms of the results. This includes, foremost, the “IAB-Beschäftigtenstichprobe” (IAB), the “Sozioökonomisches Panel” (SOEP), and online surveys such as www.frauenlohnspiegel.de. There is no “correct” measure of the pay gap in this conjunction. Which indicator is suited depends upon the questions posed, but also upon the available sources of data. The gross hourly wage is a suitable indicator if the interest is in determining fair pay. In this context a limitation to hourly wages makes sense. Because income differences that are only a result of different working hours are then properly taken into consideration. Taking monthly or annual income into consideration can indirectly make sense as an additional measure, because all wage components should be taken into consideration in calculating hourly wages. The hourly wages determined by collective bargaining do not take special payments such as Christmas allowances or other bonuses and gratifications into consideration. Different risks of poverty can be more clearly assessed when, in addition to gross hourly wages, the net earnings are compared.

⁴ National sources are used for estimates during the years in between the surveys, in Germany this is the Quarterly Survey of Earnings.

19. A differentiation must be made between this “simple” and unadjusted pay gap and the adjusted pay gap: the adjusted pay gap is calculated by comparing the gross hourly wages of women and men with the same individual characteristics, i.e., women and men with the same level of education, in the same professions and sectors, and with the same type of employment (full-time, part-time or marginal employment). Currently, the adjusted gender pay gap in Germany is roughly 8 per cent, although family-related interruptions in gainful employment have not been taken into account here. Since women and men often differ in terms of these characteristics, these differences can explain part of the previously determined unadjusted pay gap and thus illustrate the extent to which pay differences can be reduced. The individual explanations are thus logical indications of where to begin combating the pay gap.⁵

2. Additional aspects

20. There is a considerable urban-rural difference in the Gender Pay Gap in (West) Germany. Current studies show an increase in the average daily wages of both for men and women in keeping with increasing population density. In this conjunction, the earnings of men in western regions in Germany are considerably higher on average than the earnings of women. Although the gender-specific pay gap for young employees has become markedly narrower over the last thirty years in both urban and rural areas, the urban-rural difference itself has remained nearly constant at roughly 13 per cent (2004: urban: 8.4 per cent, rural: 20.9 per cent). Possible explanations lie primarily in the urban-rural differences in women’s employment orientation, predominant role models and vocational training. There are also urban-rural differences in terms of the economic structure, the infrastructure, socio-demographic characteristics and geographic mobility with regard to employment.

21. The average gender pay gap of 23 per cent is very unequally distributed between the new and the old Länder in Germany. In West Germany, a gender pay gap of 25 per cent was calculated for 2009, while in the new Länder a gap of only 6 per cent was determined. In this context, both different framework conditions with regard to childcare and different concepts with regard to role models have an influence, as do lower wages also of men in comparison to West Germany. While nearly two thirds of the children who are in childcare in the new Länder participate in all-day programmes (over seven hours of childcare daily), this is only true of a third of the children in childcare in the western Länder, due to a lack of available places. This is also true of all-day school programmes, which are more common in the new Länder.

22. Up until now, it has not been possible to compare the differences in earnings of women and men in public service and in the private sector within official statistics. Within the framework of a project funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (Ger. abbr. = BMFSFJ), the Federal Statistical office has now collated data from various sources, thus making the analysis of comparative data possible. The central finding is that the gender-specific pay difference in the private sector during the period from 2007 to 2008 (22.6 per cent) was considerably higher than in public service (7.0 per cent); and within the public sector, it is higher among public employees who are not civil servants (7.8 per cent) than among civil servants (1.7 per cent)⁶ as well as among

⁵ Unless otherwise noted, gender pay gap will refer to the “unadjusted gender pay gap” in the following.

⁶ For the calculation of pay differences in public service a deviation had to be made in the proven practice of calculating the gender pay gap. The values cited should therefore not be compared to figures for the gender pay gap. They are by nature “too low”, for the private sector by roughly 2.6 per cent. Further explanations regarding the method can be found under BMFSFJ (2009), The differences in earnings between women and men in the public sector and in the private sector – results of the

employees of the highest federal authorities (1 per cent).⁷ Differentiated according to the type of employment, the indicator in public service for both types of employees ranges, in contrast to the private sector, on a comparable level (full-time: 7.2 per cent; part-time: 7.5 per cent). Whereby there are also no marked differences between West and East Germany in the public sector. Viewing individual economic sectors separately underlines highly pronounced pay differences in public service in areas with a comparably high percentage of women. This includes the field of “childcare and education” (14.7 per cent, proportion of female employees: 65.8 per cent), which exhibits very high figures in comparison to “public service, defence, social insurance” (8.4 per cent, proportion of female employees: 44.6 per cent). Ultimately, there is also a gender-specific difference in earnings among female and male employees in executive positions in public service, it is higher than in the other pay groups (9.6 per cent).

C. Governance strategy for overcoming pay inequality tailored to the causes

23. In order to adopt targeted measures towards overcoming the problem of gender-specific pay, the focus was placed on researching the causes in the sixteenth legislative period. A summary of the results was published in the dossier “Pay Inequality between Women and Men in Germany”.

24. The study showed that especially in relation to the figure of nearly 23 per cent for the unadjusted gender pay gap published for 2006, the adjusted pay gap – without taking family-related interruptions in employment into account – was roughly eight per cent. This means that female employees still earn eight per cent less even when they display the same characteristics as the men studied within the framework of the analysis.⁸ The analysis highlights problem areas in which practical action needs to be taken and where the pay gap can be concretely reduced. The following illustration shows the main individual causes in relation to the adjusted and non-adjusted gender pay gap.

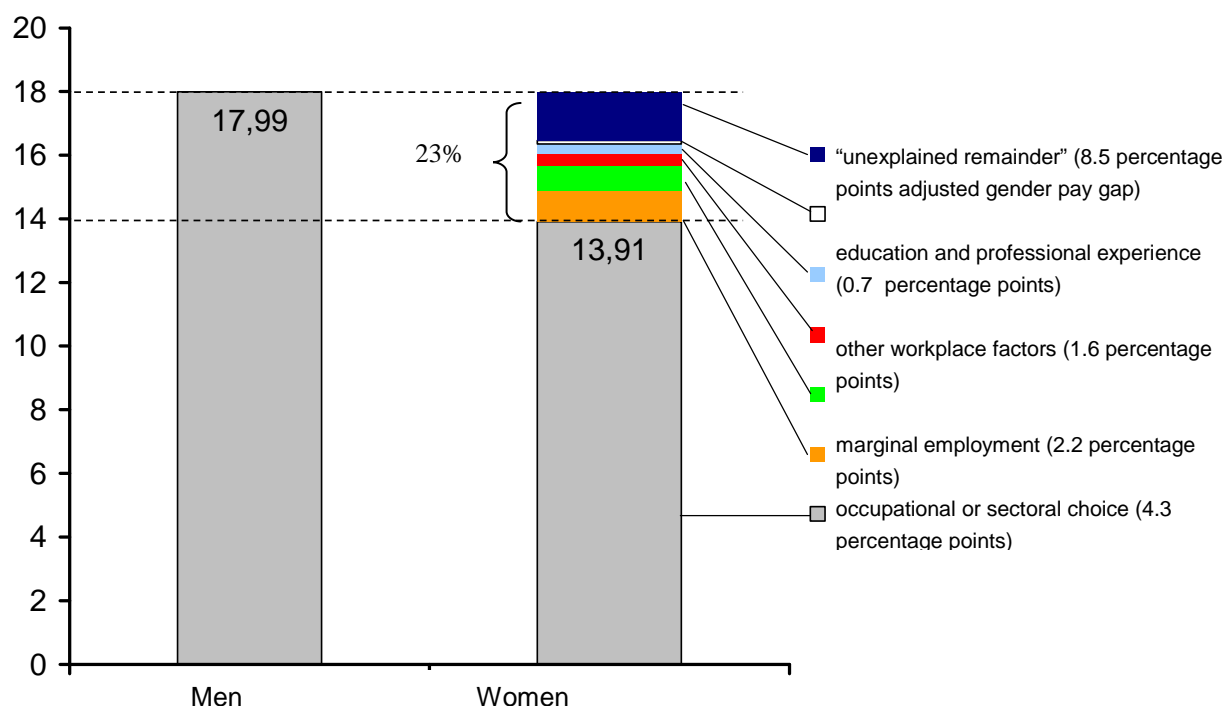
project “*Verdienstunterschiede zwischen Männern und Frauen*” (Pay differences between men and women) conducted by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Statistical Office.

⁷ *Zweiter Erfahrungsbericht der Bundesregierung zum BGleG* (The Federal Government’s Second Report on Experience with the Federal Gender Equality Act) (see p. 21).

⁸ According to research by the Cologne Institute for Economic Studies, a gender pay gap of 4 per cent can still be ascertained for women with children who interrupted their gainful employment for up to a year and a half, cf. “Gender Pay Gap Gesamtwirtschaftliche Evidenz und regionale Unterschiede,” in *IW Trends 4/2010*.

Figure 2: Gross Hourly Wages of Women and Men and Analysis of the Gender

Pay Gap According to the Main Causes, Earnings Structure Survey of October 2006 Euro



25. By surveying and studying all relevant reasons for the differences in earnings, it became clear that the systematic causes are related to each other in a complex manner and that these can only be overcome when concrete political measures are supported by the efforts of strategic partners. The goal is to establish new governance structures that promote and ensure joint action to reduce the pay gap. In the following, the structural differences and additional explanation models will be described in further detail by referring to three complexes of origins.

1. Main causes of pay inequality in Germany

(a) Education and horizontal/vertical segregation – gender-specific divisions in the labour market

26. The persistence of horizontal and vertical segregation in the labour market in Germany, as well as in the rest of Europe, is an obvious fact. For a long time, women's lower average level of education was a convincing explanation for labour market segregation as well as for the gender pay gap. Cost-intensive, long-term investments in women's education were not considered worthwhile, because they were expected to provide a lower level of return. However, the situation has been clearly changing in recent years: women have begun to outperform men in terms of educational attainment. In contrast to the situation for men, a comparison of the number of women between the ages of 30 and 35 to women between the ages of 60 and 65 shows an increase in the number of persons with an academic degree (from 9.7 per cent to 21.1 per cent).⁹ Now 52.2 per cent of all

⁹ In contrast to women, a comparison of men between the ages of 30 and 35 to men between the ages of

university graduates are women. The general process of catching up, with regard to the level of education, seems to be reflected in the differences in the pay gap according to age cohorts. Hence, among female employees between the ages of 25 and 29, the pay gap was 8.5 per cent, while in the age group between 55 and 59, it was roughly three times as high, at 29.1 per cent. On the one hand, these differences can, in fact, be attributed to a change in educational behaviour over time, meaning that younger women are better educated than older women in relation to the men in their own age groups. On the other hand, the differences in the pay gap can also be explained by the fact that female employees under the age of 30 have usually not yet interrupted their careers for family reasons, while such breaks in employment have already had a negative effect on the incomes of older women.

27. Despite the positive tendency with regard to the educational level of women, a reduction in the pay gap in the future is not expected for this reason alone. In 2010 women with vocational training or A-levels (Abitur) earned only 92 per cent of the income of men of the same age and same level of training and/or education. A comparison of employees with academic degrees shows that women attain only 88 per cent of the income of men. The higher rate of educational return that men redeem on a degree from a university or a university of applied science may thereby be a result of the area in which they chose to specialise. It has been shown that men tend towards mathematics/natural sciences and technology in choosing a course of study, while women often focus on languages and humanities. Neither the pay nor the demand for the latter are not as high on the labour market.

28. This leads automatically to the next manifestation of segregation. Women are simply not found in certain sectors and occupations. Of the total of 350 occupations for which vocational training is available, only ten are chosen by over half of all young women. These typical women's occupations in the service sector are not as well paid as occupations in the field of technology and natural sciences, which men tend to choose. In addition, there are great differences in the distribution of women and men in different economic sectors. Hence, the proportion of female employees in the field of "other services" is markedly higher than the proportion of men. On the other hand, there is – relatively speaking – a markedly lower number of women in heavy industry, which is particularly noted for its high average wages. The following table shows the differences in pay that result from the different structural characteristics.

Table 1: Gender Pay Gap according to Different Structural Characteristics¹⁰

Age groups in years	Up to 24	25 – 29	30 – 34	35 – 39	40 – 44	45 – 49	50 – 54	55 – 59	60+
GPG in %	2	8.5	14.2	21.1	25.6	26.4	27.1	29.1	29.5
Level of education	Secondary school /intermediate leaving certificate			University qualification		UAS degree		University degree	
GPG in %	17.6			24.5		31.3		23.1	

60 and 65 reveals a stagnation in the number of people with an academic degree (21.0 to 20.3%) and an increase in the number of people without any vocational training among younger age groups (16.6 to 11.8%). In the group between 30 and 35, 39% are qualified to study at a university and only 21% attain an academic degree.

¹⁰ Destatis.

Age groups in years	Up to 24	25 – 29	30 – 34	35 – 39	40 – 44	45 – 49	50 – 54	55 – 59	60+
Completed education			Incomplete			Vocational training		University degree	
GPG in %			2.5			9.9		25.8	
Pay group		Unskilled worker	Semi-skilled worker		Specialists		Highly trained specialists		Executive
GPG in %		8	12.7		11.8		17.9		26.2
Sector		Mining	Build- ing	Childcare / Education	Sales		Heavy industry		Credit / Insurance
GPG in %		5.2	13.8	16.3	25		28.2		28.9

29. Despite numerous studies and assessments that have ascertained a slight increase in the proportion of women in decision-making positions in companies in recent years, it is indisputable that women are still underrepresented in these functions (see Table 2). On their way up the career ladder, they seem to be unable to transcend a “glass ceiling” and also earn less in management positions than men do. Almost three-quarters of all executive positions are occupied by men: overall, the proportion of women in executive positions is lower, the larger the company is and the higher up one looks in the company hierarchy. The earnings of women employed full-time equated to only 72 per cent of the earnings of men in 2008, hence the gender pay gap is thus 28 per cent. Studies also show that executive positions in female occupations (occupations with a 70 per cent or higher proportion of females) pay less than in male professions. In 2008, women in executive positions in female occupations earned with a gross monthly income of approximately 2,609 euros only 64 per cent of the income of women executives in male occupations. Furthermore, the income level of male executives in all professions is higher than that of female executives. This is evidence of the effect of horizontal segregation: when women move on traditional paths, it usually results in considerable discrepancies in earnings and career options. An orientation towards non-traditional (male) professions increases a woman’s income prospects, but women’s incomes never reach the same level as men’s.¹¹ Consequently, women are seldom found among the highest earners, particularly since they are - more often than men - employed by smaller companies, which are less likely to provide bonuses in periods of economic crisis than larger companies. The multi-stage plan to increase the number of women in executive positions that the Federal Government intends to submit in this legislative period is also of decisive importance in overcoming one of the fundamental causes of the pay gap.

¹¹ DIW Führungskräfte-Monitor 2010, p. 48 ff.

Table 2: Proportion of Women in Executive Positions (in per cent)¹²

	2006	2007	2008	2009	2010
Executive board	1.2	1.8	2.5	2.5	3.2
Supervisory board	7.8	8.6	9.3	9.8	10.6
	2005	2006	2007	2008	
Private sector	24	27	27		27
	2006	2007	2008	2009	
Public service (Federal Government)	26	27	28	29	

(b) Family-related interruptions and reductions in gainful employment

30. In Germany there are still considerable differences between women and men with regard to interruptions in employment due to the birth of children. Some 25 per cent of young fathers now take advantage of the parental allowance and parental leave.¹³ On average, women interrupt their employment for 56 months for family reasons. The length of the interruption in employment tends to increase with the number of children. Nevertheless, 50.6 per cent of all women interrupted their employment for family reasons for a period of between one and three years and 29.4 per cent for a maximum of one year.¹⁴

31. The effects of family-related interruptions in employment on the gender pay gap are obvious. The length of the interruption plays an important role in determining the degree of wage loss. The longer the interruption in employment lasts, the greater the (assumed) loss in the value of human capital due to forfeited professional experience and failure to participate in (company) training measures. Studies show that a six-month interruption in employment in the years between 1984 and 1994 resulted in a 9 per cent reduction in wages after re-entry into the labour market.

32. In addition, women who re-enter the labour market after a family-related interruption seldom engage in full-time employment. While roughly 75 per cent of all women without children are engaged in full-time employment, only 27 per cent work full-time after the birth of a child, and as opposed to 95 per cent of the fathers. The rates of female part-time and marginal employment increase correspondingly. Some 35 per cent of all women employed in positions subject to social insurance contributions are only

¹² Executives in the private sector encompass persons aged 18 and over who indicated to the SOEP that they were entrusted with extensive executive functions as employees in the private sector (e.g. directors, managing directors or as chairpersons of the boards of larger companies and associations); other executive functions or highly qualified tasks (e.g. department manager, researchers, engineers). Hence, the term "executives" encompasses both people in executive positions as well as employees in high-qualified positions (*DIW Führungskräfte-Monitor 2010*, p. 16 f.). Members of executive and supervisory boards of the 200 largest companies (excluding the financial sector) from *DIW Führungskräfte-Monitor 2010*, p. 57. In public service executive positions are defined as managerial functions beginning at the level of the head of division.

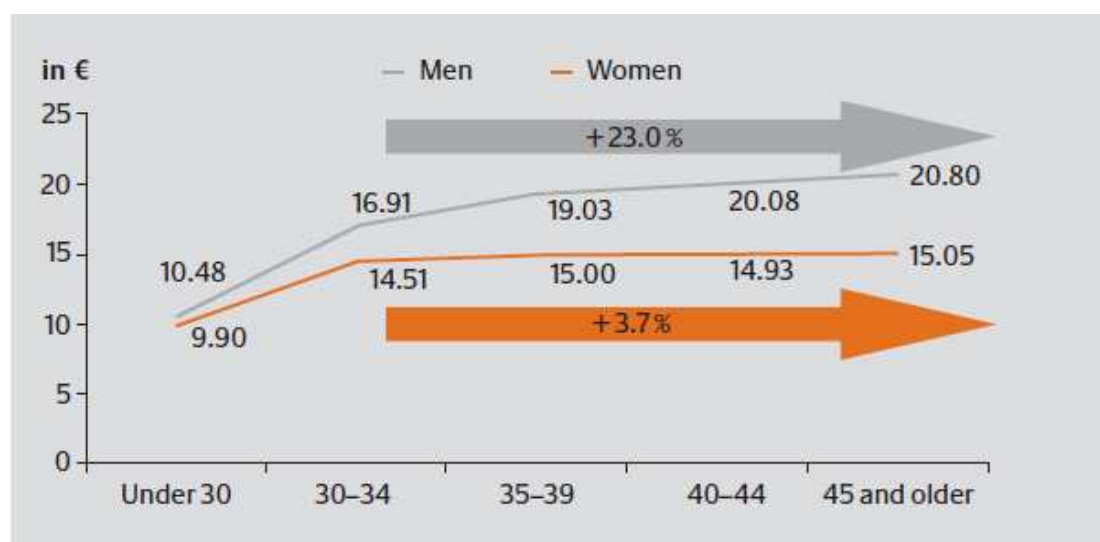
¹³ Bundesamt für Statistik: Pressemitteilung Nr. 442 vom 1.12.2010; fathers of children born in the first half of 2009.

¹⁴ Sinus Sociovision/ BMFSFJ: *Perspektive Wiedereinstieg. Ziele, Motive und Erfahrungen vor, während und nach dem beruflichen Wiedereinstieg*, Berlin 2010, p. 18.

employed part-time (as opposed to 6 per cent of men). Two out of three marginally employed workers are women. The East-West difference is notable: before interrupting employment (and the subsequent birth of a child) a total of 79 per cent of the women in West Germany worked full-time, but only 19 per cent after interrupting their employment. In the East, on the other hand, over 60 per cent of all women work full-time after an interruption in employment. Taking the fact into consideration that women are inclined to pursue part-time employment between the ages of 35 and 44, precisely when the higher rungs on the career ladder are typically achieved, while men tend, if at all, to work part-time either at the beginning or at the end of their careers, the consequences are clear: women are subject to a one-sided disadvantage in terms of income, which provides a possible explanation for a large part of the gender-specific pay gap. The gross hourly wages (in the private sector) surveyed by the Federal Statistical Office confirm these developments in relation to the gender pay gap. Women who work full-time thus earn an average of 15.62 euros, while men earn 19.66 euros. Women who work part-time earn an average of 13.96 euros, while men who work part-time, on the other hand, earn 14.51 euros.

33. Statistically, the effects of the described differences in family-related interruptions in employment in Germany are significantly manifested in the divergent development of gross hourly wages among women and men over the course of their working lives. While men are able to achieve considerable increases in earnings from the age of 30 onwards (+ 23 per cent), the hourly wage of women over 30 stagnates.

Figure 3: Development of Earnings



(c) Wage determination and pay structures

34. Research studies, practical experience and court decisions provide evidence of the fact that methods of determining wages and the way they are applied can undervalue women's work. This underevaluation is often the result of prejudices and gender-related stereotypes regarding the lower value of "female occupations" and is not necessarily related to discrimination in the legal sense. The unequal evaluation of work of equal value can occur on different levels, it is basically a result of social concepts of value being reflected in structures like collective bargaining agreements as well as in individual wage negotiations. In this context, the bargaining position of women and the trade unions that represent them, job evaluation methods, and wage negotiations involving hidden wage elements such as bonuses and special allowances all play an important role.

35. Certain criteria are generally used in evaluating jobs, these include skills and abilities as well as responsibility and physical strain. As a rule, it is the position that is evaluated. Without job evaluation, the value of different occupations cannot be assessed and compared.

36. Summary methods of job evaluation are seen as particularly conducive to indirect discrimination. In summary evaluations, the weight of individual evaluation criteria within the overall system does not become apparent, because they are evaluated across-the-board or given a “total” assessment. By contrast, analytical methods of work evaluation analyse and assess the individual criteria separately, so that the relative importance of criteria such as qualification requirements or responsibility becomes transparent. In nearly all sectors, including public administration, the existence of covert differences in evaluation cannot be ruled out. Thus, female-dominated occupations such as child care, caring for the elderly or library services are often given a lower classification than occupations in the technical sector.

37. More extensive studies by the Federal Statistical Office have shown that binding collective bargaining agreements and/or the existence of a works council has a positive effect on reducing the pay gap in the individual company. With binding collective bargaining agreements a pay gap of 15.9 per cent has been determined, while the average pay gap in companies without binding collective bargaining agreements is 29.6 per cent.

38. Underevaluation is not only a result of company regulations or the terms of a collective bargaining agreement. The different bargaining skills and strategies employed by women and men also influence the amount of pay they receive and thus have an impact on the pay gap among employees not covered by collective agreements. Surveys show that nearly one third of all women interviewed had not received a wage increase during the previous five-year period; this was the case with only one fifth of the men. In summary, the studies explain that the influence of negotiations on the very different development of women’s and men’s careers in executive positions can be quite considerable.

39. The sensor surveys conducted by Sinus Sociovision within the framework of strategic consultancy for the Federal Ministry for Family Affairs show similar results: In wage negotiations, women with families do not display the same “determination” as their own partners (from whom they in turn well expect it), or as other men in the company and women without families. Women associate a higher salary with “unconditional” commitment to the company, both emotionally and factually. Such dedication, however, would mean that they risk losing the balance they have achieved – both for themselves and their families.

2. Strategic cooperation with relevant parties

40. In order to reduce differences in earnings, and thereby further enhance efforts for a sustainable Germany, the Federal Government intends to work more intensively with relevant parties. Because the objectives of the sustainability strategy regarding unequal pay can often only be achieved in cooperation with Civil Society (Social Partners, women’s associations and associations of trade and industry) and with all other levels of government – Länder and municipal. Hence, the Federal Government’s goal is to bring the different actively involved parties together so that they can all take an active role in effecting change wherever they are able to do so.

(a) Business/Employers’ Associations

41. In 2001, an agreement on the promotion of equality of opportunity between women and men in the private sector was reached between the Federal Government and the leading confederations of German business and industry. The agreement addresses four areas of

action: it calls upon companies to improve, by adopting appropriate measures, vocational training perspectives, career opportunities and the reconciliation of family and working life for women and girls, to increase the proportion of women in executive positions and future-oriented professions and to contribute to the reduction in the income differences between women and men. According to this agreement, regular assessments of the implementation of these measures, the progress made and the initiatives planned for the future are to be undertaken. The “Third Assessment of Equality of Opportunity”, presented in 2008, shows that progress has been uneven across the different areas covered by the agreement. In the two latter areas of action – women in executive positions and income differences – development continues to stagnate. Positive changes have been documented in relation to education in general as well as vocational training. In relation to the reconciliation of family and working life, tremendous success has been made in recent years in terms of public policy and cooperation with the business sector.

42. In the “Fourth Assessment of Equality of Opportunity”, which is now available, obvious progress in effecting or improving equality of opportunity between women and men in working life is in evidence in the central areas such as education and training, participation in the workforce, reconciliation of family and working life as well as in establishing businesses. Women have also been making progress in executive positions in the private sector – although slow, it has been steady. Nevertheless, gender-specific patterns persist in relation to choices of profession, employment biographies and career opportunities in light of the different value attached to female and male professions.

43. The business sector has come to recognise the fact that promoting equal opportunity for women in working life is in their own best interest. For several years, successful co-operation has been taking place within the context of the company programme “Success Factor Family”, which essentially aims at facilitating the reconciliation of family and working life. Roughly 3,400 employers, organised within the corresponding network of companies under the auspices of the Association of German Chambers of Industry and Commerce (Deutscher Industrie- und Handelskammertag – DIHK), have already declared their support for more family-conscious personnel policies. In the autumn of 2010, the “Family-Conscious Working Hours” (Familienbewusste Arbeitszeiten) initiative was launched within the framework of these activities. The goal of this initiative is to create more flexible working hours, which allow mothers better career opportunities and fathers more time for their families. Nearly full-time models of 30 – 35 working hours per week play an important role, since they correspond with the wishes of many parents and also facilitate the reconciliation of family and working life for many qualified specialists and managers.

44. Against the background of an expected lack of qualified specialists and managers in the future, the realisation has become increasingly widespread that it is no less important to overcome gender-specific segregation on the labour market, to increase the proportion of women in executive positions and in male-dominated occupations. Examples of existing cooperative measures on these topics are the Girls’ Day project or the MINT (mathematics, informatics, natural sciences and technology) initiative as well as the TOTAL-E-QUALITY award and the “Generation CEO” initiative. In 2008, the Confederation of German Employers’ Associations (Bundesvereinigung der Deutschen Arbeitgeberverbände – BDA) presented a position paper on pay inequality. At a joint conference on “Tackling the Causes of the Wage Gap” staged by the BDA and the BMFSFJ on 30 September 2008, 90 experts from the fields of politics, business and research endorsed the common goal of eliminating the wage gap by addressing its major causes.

45. On 30 March 2011, the responsible Federal Ministers met with the Chief Human Resources Officers of the 30 DAX companies in order to jointly discuss further sustainable and practical ways of ensuring greater equality in working life. The DAX 30 companies

submitted a joint declaration to the Federal Government on future strategy for more women in executive positions. They agreed to set company specific targets for the proportion of women in the company workforce and in executive positions and to publish these during the year 2011.

46. The initiative “Changing Corporate Cultures – More Women in Leadership”, launched by the Fraunhofer Gesellschaft on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (2010 to 2012), will focus on necessary changes in corporate cultures in the interest of avoiding interruptions in the careers of women in executive positions in the future. The initiative seeks to identify the causes of career interruption by female high potentials by analysing the examples of corporate culture in nine participating international concerns and to further develop existing measures to ensure that more women will be able to pursue career advancement in the future. In this conjunction, the companies’ measures to promote the reconciliation of career and family life will be viewed as a given.

(b) Unions

47. An additional important point is the cooperation with unions. In 2008, the German Trade Union Federation (Ger. abbr. = DGB) inter alia launched the initiative “I am worth more” (Ich bin mehr wert), which was supported by the BMFSFJ. Working with member unions and additional women’s federations, the DGB thereby provided concrete support for women in the workplace. In 2008, the initiative centered on the triad of pay equality, career opportunities and reconciliation of working life and family. The claim, “I AM WORTH MORE!”, was directed at politicians, companies and the general public through diverse activities.

48. The BMFSFJ also supports the project “Family breadwinners” (Familienernährerinnen) within the framework of a partnership with the DGB. In nearly a fifth of all multi-person households in the Federal Republic of Germany, women earn the larger part of the income. Half of these women are single parents, the other half have a partner with a lower income, or who is in need of care or unemployed. Family breadwinners are therefore often subject to a double burden: they assume responsibility for the main source of income as well as for the household and for raising children. This project is intended to raise public awareness of such women and increase political mobilisation for them.

(c) Social Partners

49. In the federal initiative “Equality for Women in the Business World” (Gleichstellung von Frauen in der Wirtschaft), launched in 2010, the Federal Ministry for Labour and Social Affairs is working closely with the German Employers’ Association (BDA) and the German Labour Federation (DGB) in choosing the projects. Within the context of this federal initiative, subsidies are provided to promote projects that ensure women financial independence, equal advancement and career opportunities, better participation in company training programmes, a reduction in income differences as well as a better work-life balance. In this conjunction, possibilities for action that especially support companies and Social Partners in sustainably improving the employment situation of women are to be identified. In 2010, 29 applicants began work. They are receiving a total of 15 million euros in funding. Models of working hours for a better reconciliation of family and working life are now being developed and tested (two projects), along with company initiatives to attract women to professions in the field of mathematics, informatics, natural sciences and technology (three projects), measures to encourage and promote women’s inclination to seek advancement in company and social contexts (20 projects), to improve the qualifications of female employees during the family phase in order to facilitate a rapid re-

entry (two projects) as well as concepts to increase the proportion of older female employees (two projects). Further initiatives are now either in planning or awaiting a decision on funding.

(d) Alliances

50. On 15 April 2008, the association of Business and Professional Women (BPW) organised the first Equal Pay Day (EPD) in Germany. Its aim was to disseminate information on the gender pay gap and to encourage women to take the initiative and address the issue of unequal pay in a more proactive way. The second Equal Pay Day – on 20 March 2009 – was organised by a National Action Alliance for Pay Equality, which was established for this purpose and received funding from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The main aim of the alliance is to sensitize and mobilise all of the parties actively involved. It includes the National Working Group of Local Government Officers for Equal Opportunities (Bundesarbeitsgemeinschaft Kommunalen Gleichstellungsbeauftragter – BAG), the BPW working as the co-ordinator, the Confederation of German Employers' Associations, the National Council of Women and the Association of Female Entrepreneurs in Germany (Verband deutscher Unternehmerinnen – VdU). The Confederation of German Trade Unions (DGB) is affiliated with the Alliance via the National Council of Women. In order to enable and secure the coordination of the national action alliance, the organisation of Equal Pay Day based on a broad alliance, and the continuation of these measures, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is supporting the Equal Pay Day initiative until 2011 and seeks to ensure its continuation. In this conjunction, an expansion of the network that organises EPD is being intensively pursued. Targeted efforts to highlight selected annual themes are being made by seeking cooperation with appropriate alliance partners.

51. This year, the Equal Pay Day was held on 25 March 2011, with many events throughout the country and with great media attention. At a press conference, Federal Minister Dr. Kristina Schröder together with the presidents of the German Rural Women's Association and the BPW looked at the urban-rural differences in wage inequality and presented new projects to fight these differences. The project plans were designed on the basis of the approaches of explanation and action concerning the urban-rural difference which were developed in the context of a symposium on 8 December 2010.

(e) The Federal Anti-Discrimination Agency

52. When the General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz - AGG) came into force in August 2006, the Federal Antidiscrimination Agency began its work. It is an independent clearing house for people who feel that they have been subject to discrimination for one of the reasons cited in the AGG. Through the counselling it provides and its cooperation in the agency's advisory council, the Federal Antidiscrimination Agency receives important information on discrimination in Germany, including in the field of unequal pay

53. The goal of the General Act on Equal Treatment is to prevent or stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual orientation, particularly in employment and professional life. The AGG prohibits paying employees differently depending on their gender, provided that both employees perform equal work or work of equal value.

(f) The Länder

54. The Länder augment the Federal Government's initiatives to combat unequal pay through very different measures of their own,¹⁵ while at the same time regularly calling upon the Federal Government in the annual Conference of Ministers and Senators of the Länder for Equal Opportunities and Women (GFMK) to adopt targeted measures to reduce the differences in pay that have also been documented in the field of public service. At the same time, the Länder also support projects such as Equal Pay Day and Logib-D.¹⁶

D. Ongoing cause-specific measures by the federal Government to overcome pay inequality

1. Changing role stereotypes and increasing the proportion of women in executive positions

55. Traditional role models in some social milieus/strata are an important reason for the limited spectrum of professions chosen by women and the obstacles they encounter in their career paths. Hence, within the context of its equality policy, the Federal Government aims to expand the spectrum of occupational choices for women and men in considerable measure and to improve their working and career opportunities on the whole.

56. Through Federal Government programmes in cooperation with various partners, such as "Girls' Day" and "Komm, mach MINT" (Come and do MINT), girls and young women are now being encouraged to choose occupations in "untypically female" fields, which they previously seldom took into consideration, thereby expanding the spectrum of professions from which they choose. Throughout the country, girls in the fifth to tenth years of school can participate in the "Girls' Day" project, during which they can gain familiarity with the workings of companies and institutions involved in future-oriented areas of the career spectrum, such as professions in the natural sciences and technology. Under the motto "Komm, mach MINT", the Federal Ministry of Education and Research (Bundesministerium für Bildung und Forschung – BMBF) has been seeking to attract considerably more young women to pursue well-paying professions in the MINT field through an initiative launched in 2008 in conjunction with partners from the sciences and business. Parallel to this, the BMFSFJ has also focused on the vocational choices and life planning of boys and young men: in 2005, the BMFSFJ launched a national project called "Neue Wege für Jungs" (New Paths for Boys) and, in 2011, the first Boys' Day was staged simultaneously with Girls' Day with great success

57. In order to promote women in executive positions, the development of a multi-stage plan was anchored in the coalition agreement. The multi-stage plan focuses on creating transparency, voluntary commitment and coordination in combating the causes of pay inequality and will be implemented step-by-step.

2. Improving framework conditions through family policy measures and support for re-entry into the working world

58. For Germany, family-related interruptions in employment and reductions in working hours are important causes of pay inequality. The comparison with other countries clearly

¹⁵ Bavaria, for example, produced a public service advertisement shown at movie theatres entitled *Schluss mit dem Unsinn* (Enough of this Silliness), in which the pay gap is highlighted in a very creative manner.

¹⁶ Rhineland-Palatinate petitioned the 20th GFMK Preliminary Conference to support Logib-D and to consider whether its integration into the eg-check developed by the Hans Böckler Stiftung is possible.

shows that countries with a higher rate of female employment and good infrastructures for the reconciliation of family and working life also exhibited a narrower gap between the average wages of women in men. Better reconciliation of family and working life facilitates uninterrupted employment biographies for women and allows them to pursue forms of employment that ensure greater financial independence. Hence, it is decisive that suitable framework conditions are created for mothers and fathers in this area. The Federal Government has made a decisive contribution in recent years through its family and equality policy. The further development of childcare – particularly for children under the age of three, – increased options for deducting childcare costs, the parental allowance as a substitute for wages, and the related partner months, are measures that make it easier for women and men to reconcile family and working life and support a distribution of childrearing duties in fair partnership between women and men.

59. An important supplementary step is the action programme “Perspektive Wiedereinstieg” (Vocational Re-integration as a Perspective). It supports women who have withdrawn from employment for a number of years for family reasons and now seek to re-enter the labour market. This broadly staged initiative, which is being executed in cooperation with the Federal Employment Agency, supports local organisers in creating networks to support women re-entering the labour market and helping them to qualify for re-entry after a family-related interruption in employment. This is being undertaken within the context of an ESF programme (total volume roughly 30 million euros), which will support 17 model locations. A navigation portal specifically for women re-entering the labour market has been helping to make concrete support measures more accessible since March of 2009. The BMFSFJ also supports specific publicity measures on a local level in the form of special information days on the topic of “re-entry”.

3. Reform pay structures

60. The Federal Government has no direct intervention options in the determination of pay scales, with the exception of the public service sector. This is mainly the responsibility of collective bargaining organisations, individual employers and female employees as well as works and personnel councils. In concrete terms, this is a question of the evaluation of jobs in collective bargaining agreements, of reforming pay structures as well as of wage negotiations.

61. A valuable tool is now being offered to employers in the form of the consultation-supported introduction of Logib-D, which provides employers with impulses to address the problem of intra-company pay inequality. By making Logib-D available, the Federal Government is providing companies with a proven instrument that can be used to determine the dimension of a company’s pay gap, its determining factors and, thus, possible remedies. Logib-D is an objective method for determining the differences according to recognised standards of economic research (human capital theory) and does not rely on a legal definition. It was not designed as an instrument for surveying discriminatory pay inequality and thus does not provide an indication of pay inequality suited as evidence in a court of law. On the contrary, Logib-D serves to determine company-specific structures that have a measurable influence on the pay differences between men and women.

62. The registered brand name Logib-D is an acronym for Lohnleichheit im Betrieb – Deutschland (Pay Equality in Companies in Germany) and consists of a number of modules that build upon each other. Along with the basic Excel program for Logib-D, which is available to analyse pay structures on the website www.logib-d.de, interested companies can also use the web-based online version. This makes it possible to prepare data in a more user-friendly manner and provides a standardised report on the results in a PDF format for printing only a few minutes after the data is uploaded; this includes an extensive equality-oriented analysis of pay structures. The differentiated calculations on pay inequality in

companies can be undertaken both for a company on the whole as well as for individual company locations or departments. Ultimately, a confidential, standardised consultation on pay structures based on Logib-D will be provided for 200 interested companies between 2010 and 2012 free of charge. Personnel managers are thereby provided with an instrument that makes it much easier for them to analyse pay structures, gain access to counselling and find company solutions (Analysis – Counselling – Solution). Using Logib-D, employers in companies – regardless of whether they are subject to collective bargaining agreements or not – can identify factors that influence the gender pay gap and develop measures that ensure gender-equality in the pay structure of their companies; in view of the demographic transition and the lack of specialists, this is a good investment in the future of the company. Logib-D is being made available by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and implemented in cooperation with well-known partners in German business and industry.

63. Finally, the BMFSFJ supports Social Partners and all others who play an active role in determining wages by providing the brochure “Fair P(l)ay – Entgeltgleichheit für Frauen und Männer” (Fair P(l)ay – Pay Equality for Women and Men), which was published in 2007 as a guide to implementing the “principle of equal pay for equal work and work of equal value”. In this guide, it is especially recommended that more transparent and discrimination-free (analytical) job evaluation methods be used in collective bargaining agreements in order to combat the perpetuation of stereotypical lower pay. The Frauenlohnspiegel (Women’s Wages Survey), supported by the EU, provides important orientation in negotiating individual pay agreements.

E. Planned measures

64. At the turn of the year 2010/2011, the commission that was established to draft the Federal Government’s first equality report submitted its report. Its concept of equality policy is oriented on a life cycle perspective: equality policy, according the basic premise, must focus on the differences in the life cycles of women and men and provide targeted support during the phases in which a family is being established or the labour force re-entered. Life cycle policy brings equality policy and social policy together in a sustainable policy of social cohesion, thus gender-related disadvantages are reduced and shared responsibility within a partnership is enhanced. It thereby helps to prevent decisions in certain phases of life that were reached jointly (by women and men) from entailing unequally distributed subsequent risks and disadvantages – as is the case when differences in earnings are perpetuated.

1. Time for re-entry (“Zeit für Wiedereinstieg”)

65. The coalition fractions called upon the Federal Government in a motion introduced on the occasion of International Women’s Day – Ensuring Equality Nationally and Internationally (Bundestagsdrucksache 17/ 901) – to continue the action programme “Vocational Re-integration as a Perspective”, while taking the results of the assessment into consideration in further developing it as a prototype for modern equality policy oriented on a life cycle perspective. One result of the assessment indicated that a sustainable and nearly full-time re-entry requires that women re-entering the labour market be relieved of pressure due to a lack of time. The action programme “Vocational Re-integration as a Perspective” will therefore be augmented by a module called “Zeit für Wiedereinstieg” (Time for Re-entry). This module encompasses support by the partner in the temporary reduction in working hours as well as support in the form of household services for women re-entering the labour market. A feasibility study will now determine the necessary organisational and legal measures and regulations for the introduction, implementation and ongoing execution of a model for providing household support services for women re-entering the labour

market. The model concept will then be able to serve as a point of departure and blueprint for further conceivable applications and additional target groups. The results are expected in June of 2011.

2. Rural areas

66. Possible approaches to changing the situation in rural areas are being sought in cooperation with the Federal Employment Agency, the affiliated Institute for Labour Market and Employment Research (Institut für Arbeitsmarkt- und Berufsforschung – IAB) and the Deutscher LandFrauenverband (German Rural Women's Association). In December of 2010, the Deutscher LandFrauenverband conducted a conference funded by the BMFSFJ with the goal of formulating possible explanations and approaches to combating urban-rural differences in pay inequality. Research findings and experience derived from everyday practice were brought together in this context. The assessment of the results and additional recommendations for action were presented at Equal Pay Day in 2011. Concrete plans foresee the investigation of the need for additional research as well as recommendations and impulses for actual practice, e.g. in relation to the higher evaluation of domestic professions and the vocational choices made by boys and girls in rural areas.

3. Collective bargaining agreements

67. In view of the regulation of pay structures in existing collective bargaining agreements, the possibilities of improving pay equality within the context of collective bargaining agreements should be explored. In this conjunction, possible ways of making use of knowledge gained through the Logib-D project in order to integrate them into the personnel practice of companies should also be considered. In collective bargaining processes to determine wages, different pay structures are seldom seen as an issue. With Logib-D, the Social Partners will be able to determine quickly and easily how a new collective bargaining agreement affects the existing remuneration structure in relation to the women and men employed. The method can there be used to introduce the issues into the agenda of the wage bargaining processes and thus offers a chance, despite wage autonomy, to enhance the sensitivity of Social Partners.

4. Public service

68. Unlike its relationship to the private sector, the Federal Government has options for taking concrete action against pay inequality in the public service sector, in which it is itself an employer. The Federal Gender Equality Act (Bundesgleichstellungsgesetz – BGleG) aims at ensuring the equality of women and men in the highest levels of federal administration, particularly in executive positions, and at better reconciliation of family and working life. At the end of 2010, a second report on experience with the Federal Gender Equality Act was submitted to the Bundestag. One of the focal areas of the report was the promotion of women in executive positions, as well as the study of aspects of pay equality. The pay gap in federal public service is 1 per cent. It is thus relatively narrow in comparison to the 7 per cent in public service as a whole and the 22.6 per cent in the private sector. This comparatively positive situation is a result of collective bargaining and the regulations found in the civil servants' remuneration law as they apply to public service. A possible approach to further reducing the pay difference is a further improvement in the participation of women in executive positions in public service. The Federal Government will also evaluate these aspects again in the next four-year report on the implementation of the Federal Gender Equality Act.

69. Part-time employment makes a fundamental contribution to improving the reconciliation of family and working life. Currently, however, it is an option exercised almost exclusively by women. On 6 December 2010, the Federal Government decided,

within the context of a programme of measures for sustainability, to survey of part-time employment in executive positions in federal departments, taking 31 December 2011 as a cut-off date; decisions regarding subsequent measures are to be made on the basis of the results.

F. Assessment of progress in implementation

70. A rigorous, regular and transparent verification of success is a decisive characteristic of sustainable and efficient policy. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth therefore regularly evaluates the success of its measures. The individual projects are reviewed in relation to interim goals in order to determine whether they make a real contribution to the achievement of the goal of a 10 per cent reduction in pay differences by 2020. Quantitative and qualitative interim goals have been determined in order to review progress in the areas in which measures have been introduced.

71. A stabilising effect on the formulation of opinion can be achieved by means of establishing links and reciprocal support within Civil Society. Within the framework of the Equal Pay Day project, the foremost goal is to disseminate information regarding the “Gender Pay Gap” and to create awareness and mobilise all of the relevant parties. Progress reviews in this context are related to the number of participants, the number of locations at which Equal Pay Day events are staged, as well as the media presence and public awareness of the topic. To this end, an annual Equal Pay Day evaluation report will be presented. The interest in this day of action has been continuously increasing: the 4th EPD on 25 March 2011 was marked nationally by 366 (2010: 259) events registered in 250 (2010: 173) cities and towns. There is also great media interest: between 1 March and 1 April 2011, roughly 2,000 reports were counted in printed media, along with 66 items carried by news agencies, over 1,000 Internet reports and roughly 50 television and 200 radio reports.

72. Long-term projects will be required in order to change traditional role models – not only for girls and young women, as in the case of “Girls’ Day” and “Komm, mach MINT”, but also for boys. The programme “Neue Wege für Jungs” (New Paths for Boys) will therefore be expanded in 2011 to include a Boys’ Day. The participation in these days of action and campaigns, which has been increasing for years, as well as the increasing number of young women studying MINT subjects or pursuing vocational training in a trade or technical profession serve as indicators that are regularly, systematically presented, as in the fourth assessment of the agreement reached with German business and industry. With over 125,000 options throughout the country for schoolgirls in their fifth to tenth years of school to participate in nearly 10,000 different events, the 11th Girls’ Day made an important contribution to combating the old-fashioned differentiation between female and male occupations. Since the beginning of the programme, well over a million girls have participated, and 10 per cent of the participating companies have already been able to employ a number of young women, due to their participation in Girls’ Day. The accompanying scientific assessment of Girls’ Day shows that repeated participation in Girls’ Day has a positive influence on company culture and leads to a greater awareness for equality. Evidence for the need and the acceptance of Boys’ Day, which is coordinated by *Neue Wege für Jungs* (New Paths for Boys), is the high level of participation: already in the first year, roughly 35,000 places were offered for boys in over 4,000 events throughout Germany (on 14 April 2011).

73. A number of interim goals can be cited for improving the reconciliation of family and working life. Important objectives in this conjunction are increases in the number of father months that men apply for and the proportion of women working full-time after a (short) interruption in employment. The family report and the family monitor document these developments. The development of participation by fathers has been increasing

continuously. In the third quarter of 2009, the participation of fathers had reached 23.9 per cent in relation to the total number of applications for parental allowances. The allowance was paid for an average of 3.5 months. In some of the Länder the participation of fathers is markedly higher: the figure is 30.4 per cent for Berlin, 30.2 per cent for Saxony, and 30 per cent for Bavaria. By contrast, the participation of fathers in 2008 averaged only 21 per cent; and only 3.5 per cent of all fathers applied for the child-raising allowance, which has been replaced by the parental allowance in 2007.

74. A greater number of mothers make use of the relative respite granted families by the parental allowance during the first year after the birth of a child. At the same time, a markedly increased number of mothers return to the labour market soon thereafter – currently, one out of three mothers with children between the ages of one and two is employed. They are also supported in pursuing employment by the expansion of the childcare infrastructure.

75. The Federal Government's activities for creating a family-friendly working world within the context of a programme "Erfolgsfaktor Familie" (Families as a Factor for Success), which was developed in cooperation with business and industrial associations and unions, have made an essential contribution to establishing family-friendliness as a hard factor in terms of company location and competition. The proportion of companies that consider family-friendliness an important factor has increased from 46 per cent in 2003 to nearly 80 per cent in 2009.¹⁷ Within the framework of the consultation-supported introduction of Logib-D, figures such as the number of company enquiries regarding Logib-D, the number of applications for a consultation, the frequency with which the website is accessed, and the number of times the webtool was downloaded provide an indication of the success of interim objectives in these efforts to sustainably combat the pay gap. Reports produced by the webtool have been accessed over 1000 times since July of 2010 and printed out over 800 times. These 800 users have received a complete remuneration analysis from an equality-oriented perspective. Currently, the project is in the third of seven project segments. A total of 77 companies have applied for consulting packages during the first, second and third segments, and the applications of 70 companies have been approved.

76. It should be kept in mind that the individual interim goals (applications for parental allowance, father participation, use of Logib-D, participation rates in Girls' Day and Equal Pay Day etc.) should not be viewed in isolation, but only provide an overview of the pattern of development all together. Progress in the individual areas (such as in education and training) will hardly be able to contribute to a reduction in pay differences by itself. Even if women have begun to surpass men in terms of academic achievement, they often encounter a glass ceiling.

G. National and international commitments

1. Art. 3, para. 2, sentence 2, of the Basic Law

77. The equality of women and men is legally anchored in Article 3 (2) of the Basic Law in Germany. According to this article the state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.

¹⁷ "Unternehmensmonitor Familienfreundlichkeit 2010", Cologne Institute for Economic Research, commissioned by the BMFSFJ, 2010

2. Art. 157 Treaty of Lisbon

78. The principle of equal pay for women and men for equal work or work of equal value has been a component of the EU Treaty since 1957 (Art. 141, formerly 119). On 1 December 2009 the Treaty of Lisbon came into force (Treaty on the Functioning of the European Union - TEFU). Art. 157 of the TEFU re-affirms the principle of equal pay for women and men.

3. The General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz - AGG)

79. Since 2006, the General Act on Equal Treatment has been in force. The goal of the law is to prevent or eliminate discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual orientation. The protection against discrimination in employment and professional life is the focus of the AGG.

4. The Federal Gender Equality Act (Bundesgleichstellungsgesetz für die Bundesverwaltung und die Gerichte des Bundes – BGleiG)

80. The Federal Gender Equality Act establishes norms for the obligations of the highest federal authorities as a employer in public service and for the responsibilities of commissioners of equality in order to implement the goals of equal opportunity

5. CEDAW

81. The State Parties are obliged to adopt measures for the national implementation of the Convention and to submit country reports at regular intervals on the grounds of Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women – CEDAW of 1979.

82. The CEDAW Committee called upon the Federal Republic of Germany as a State party to adopt concrete, proactive measures to reduce and eliminate differences in pay and income differences between women and men as one of its recommendations in 2009.

6. EU objectives

83. In the Member States of the European Union the gender-related income difference is 18 per cent on average. "Equal pay for equal work and work of equal value" is therefore one of the focal points of the new European Commission Strategy for Equality between Women and Men 2010-2015, adopted on 21 September 2010. In this strategy programme the European Commission announced a number of key actions. Chief among these were the following:

- With the European social partners, and respecting the autonomy of the social dialogue, explore possible ways to improve the transparency of pay as well as the impact on equal pay of arrangements such as part-time work and fixed-term contracts.
- Support equal pay initiatives at the workplace such as equality labels, 'charters', and awards, as well as the development of tools for employers to correct unjustified gender pay gaps.
- Institute a European Equal Pay Day to be held each year to increase awareness on how much longer women need to work than men to earn the same.

84. The German pay transparency programme Logib-D and Equal Pay Day, which has been staged in Germany since 2008 with the support of the Federal Government, served, along with other programmes, as models for the last of the Commission's key actions cited above

85. Within the context of regular progress reviews, which were conducted within the European Union in conjunction with the implementation of the Beijing Platform for Action, the indicators that were introduced for this purpose in 2001 to measure the gender-specific pay gap were streamlined and methodically improved by the Employment, Social Policy, Health and Consumer Affairs Council on 6 December 2010.

86. On 5 March 2010 the European Commission launched the second year of its campaign against the gender-specific pay gap.

III. Information provided by the federal Government on measures to implement the recommendations in paragraph 62 of the concluding observations of the CEDAW Committee of 2009

Measures to initiate a dialogue with non-governmental organisations for intersexual and transsexual people

87. At the presentation of the sixth country report under CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) in February 2009, the CEDAW Committee requested Germany as a State Party to submit a written report within two years on the measures taken to implement the recommendations made in paragraph 62 of the concluding observations. This paragraph includes the request to enter into dialogue with non-governmental organisations of intersexual and transsexual people in order to better understand their claims and to take effective action to protect their human rights.

88. As stated in the coalition agreement for the 17th legislative period, “WACHSTUM. BILDUNG. ZUSAMMENHALT” (Growth, Education, Cohesion), “The Transsexual Law currently in force is now nearly thirty years old. It no longer corresponds with the state of current medical/scientific knowledge. We will therefore revise the Transsexual Law by taking the decision handed down by the Federal Constitutional Court into account in order to ensuring that it is on a new, up-to-date foundation that enables people affected to lead free and self-determined lives.” (Chapter IV. 4)

89. In June 2010, the German National Ethics Council conducted a dialogue with persons affected and their self-help organisations in the form of a discussion forum entitled “Intersexuality – life between the sexes”. At this event, not only the affected people themselves, but also the points of view of the medical, therapeutic, sociological and legal disciplines were heard and taken into account.

90. The German National Ethics Council is an independent body appointed by the President of the German Bundestag and working on the basis of the Ethics Council Act (2007). One half of the 26 members of the Ethics Council is proposed by the German Bundestag, while the other half is proposed by the Federal Government. They represent natural scientific, medical, theological, philosophical, ethical, social, economic and legal perspectives. The aim is to illustrate different ethical approaches and a pluralist spectrum of opinion.

91. Under the Ethics Council Act, the Ethics Council can forward opinions based on its own determination as charged by the German Bundestag or the Federal Government. Due to its already existing dialogue with persons affected and their organisations, the Council was commissioned by the Federal Government pursuant to Section 2 paragraph 3 of the Ethics Council Act on 17 December 2010 to prepare an opinion on the situation and the challenges for people affected by intersex conditions.

92. The commissioning makes explicit reference to the concluding observations of the Committee on the Elimination of Discrimination against Women and the report on the dialogue with non-governmental organisations representing intersexual and transsexual people which is to be submitted in 2011. Against this background, the Federal Government requests the German National Ethics Council to continue the dialogue with those affected and their self-help organisations and to comprehensively examine the situation and the challenges for people with intersex conditions, while separating these issues clearly from those of transsexuality. The Federal Government has requested that the opinion be submitted, if possible, by the end of 2011.

93. It is the German National Ethics Council's concern to advance the dialogue on basic ethical questions between the Federal Government, the German Bundestag and the civil society. The Council seeks to remove the taboos from the social discourse on intersexuality and to challenge prevailing stereotypes. In this way, the obvious and sometimes severe problems for people with Disorders of Sex Development (DSD) are addressed in the socio-political sphere.

94. Since analysing the various problems for the above-mentioned group of people involves medical questions as well as questions about civil status and other issues, several Ministries within the Federal Government are concerned.

95. Independent from and in addition to the commissioning of the German National Ethics Council, the Federal Anti-Discrimination Agency (FADA), which was established with the entry into force of the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*, AGG) in 2006, ordered an academic study entitled "Discrimination against Trans*People, Particularly in Working Life" which it submitted in December 2010. The Federal Anti-Discrimination Agency gives independent assistance to persons threatened or affected by discrimination in asserting their rights (Sec. 27 AGG). One of the Agency's tasks is the cooperation with non-governmental organisations. In this context, Section 29 of the AGG provides: "The Federal Anti-Discrimination Office shall involve in an appropriate manner non-governmental organisations [...]" The FADA is also in contact with non-governmental organisations committed to the concerns of trans*people. With the academic study mentioned above, the Federal Anti-Discrimination Agency has addressed the group of people specified by the CEDAW Committee, because trans*people is a broad term for a multitude of identities, lifestyles and concepts of people who do not or not only identify with the gender that they were assigned at birth.

96. Since its establishment in autumn 2006, the Federal Anti-Discrimination Agency has recorded approx. 100 cases of counselling for trans*people, as at beginning of May 2011. In most of the cases these were transsexual persons who turned to the agency because of discrimination. Due to the low number of cases, however, a percentage is of little relevance. The findings of the study indicate a further need for research. The FADA intends to take this into account in a fundamental manner and is currently examining the possibility of commissioning another research report.
