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## **Introduction**

International Women's Day 1996 was celebrated at Bettembourg with the theme of "Affirmative action".

During the Commune Council's debate on 5 April 1996 on the directions to be taken by the Commune's Advancement of Women Unit on the basis of a resolution introduced by the

- Implementing measures to eliminate all forms of inequality and discrimination between men and women in the workplace”.

We wish to stress two of the specific measures suggested by CNFL in its programme for promoting a communal policy:

- “• To undertake ‘affirmative action’ measures in communal and administration services; for large communes: to undertake ‘affirmative action’ measures within the communal administration as well as employment sectors which are part of the Commune in order to balance the participation of men and women in the various sectors, grades of remuneration and decision-making posts;
- To promote the participation of women in other communal bodies; based on previous assessments of the situation, to promote the participation of women in all bodies in which they are under-represented (such as communal trade unions and other administrative organs or councils in which the Commune is represented)”.

It is our hope that this report will serve a triple purpose:

- To add to the available information on the composition of the Commune’s male and female staff;
- To take into account the importance of modern human resource management;
- To constitute the first stage in an affirmative action plan, as proposed during the 1996 International Women’s Day, as well as the preparatory stage for actions decided upon by the Commune Council (Add.1: Affirmative action plan: an instrument for human resources management in business).

All investments in human resource management must have the following objectives:

- To modernize the administration and render a service to the public;
- To encourage in male and female employees in the administration the desire and opportunity to take responsibility based on negotiation and cooperation.

## 1997 Statistics

### 1. Employment situation

#### 1.1 Civil servants

#### 1.2 Independent contractors

#### 1.3 Workers

2. Categories and working hours
3. Date of birth by category of worker
  - 3.1 Civil servants
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4. Length of service
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8. Training/retraining
9. Separations



## 2. Categories and working hours

	Women		Men		Total		
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	
Civil servants	11	1	10	0	21	1	22
Independent contractors	6	12	0	0	6	12	18
Workers	4	13	36	0	40	13	53
<b>Total</b>	<b>21</b>	<b>26</b>	<b>46</b>	<b>0</b>	<b>67</b>	<b>26</b>	<b>93</b>

## Weekly and daily working hours of workers

Weekly [REDACTED]

- Of the 47 women employed by the Commune, all categories combined, 26 work part-time. Only women work part-time; their hours vary from 3 to 8 per day. Why do women resort to part-time work? Is it because they can find no other (i.e., full-time) employment, or does part-time work allow them to combine their family and work-related responsibilities? In order to test the latter hypothesis, it must be determined whether working hours do, in fact, coincide with child-care schedules and when the partner/husband assumes his share of the educational and household tasks. Let us consider women workers' schedules more closely (see below).
- No men work part-time. Why not? Two posts, that of Commune secretary and that of tax collector, may not legally be filled by part-time employees. Can this requirement be maintained, firstly, in light of the clearly articulated national and European legislation, secondly, in the spirit of administrative reform and thirdly, considering the progress in secretarial and management techniques and the development of accounting and administrative services which employ several people, as is the case in Bettembourg?

What conditions must be established in order to encourage fathers to combine family with work-related responsibilities (in addition to the existing legal right to do so)?

- Full-time instructors work 24 hours per week.

Part-time work may have a detrimental effect on the career options of the persons concerned, if not from the point of view of promotion, at least from that of income and societal perceptions (part-time work is viewed as less important, and the worker as inflexible or unavailable).

### 3. Date of birth by category of worker

#### 3.1 Civil servants

<i>Civil servants</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
1/1/1940–31/12/1944	0	1	1
1/1/1945–31/12/1949	2	1	3
1/1/1950–31/12/1954	1	2	3
1/1/1955–31/12/1959	0	3	3
1/1/1960–31/12/1964	1	2	3
1/1/1965–31/12/1969	5	1	6
1/1/1970–31/12/1974	3	0	3

Of the 12 female civil servants, 8 (i.e., two thirds) were born after 1 January 1965 and are thus under age 32.

Of the 10 male civil servants, 6 were born after 1 January 1955 and are thus under age 42.

While civil servants are, generally speaking, very young, female civil servants are proportionally even younger



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Women civil servants are at the lower levels or (less commonly), the middle levels of the career ladder; men are at the middle levels.

## 5.2 Independent contractors

<i>Level</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
6	1	0	<b>1</b>
7	1	0	<b>1</b>
8	2	0	<b>2</b>
9	0	0	<b>0</b>
10	0	0	<b>0</b>
11	0	0	<b>0</b>
12	1	0	<b>1</b>
13	1	0	<b>1</b>

The women employed in the Bettenbourg Advancement of Women Unit have secondary school and university training. Unlike in the ecology department, which is not covered by the communal law either, women in the Advancement of Women Unit are considered to be independent contractors, not civil servants.

## 5.3 Workers

<i>Level</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
0	1	0	<b>1</b>
1	16	0	<b>16</b>
2	0	13	<b>13</b>
3	0	6	<b>6</b>
4	0	5	<b>5</b>
5	0	5	<b>5</b>
6	0	4	<b>4</b>
7	0	2	<b>2</b>

The collective agreement establishes criteria for performance evaluations and promotions. As the agreement will expire in 1997, it is to be hoped that equal opportunity measures will be decided.

Job descriptions and the exclusive assignment of men or women to certain tasks seriously distort pay and promotion opportunities.

## Example of calculation of men's and women's starting pay, and their pay after 10 years

<i>Male worker</i>		<i>Female worker</i>	
Starting pay:	122 + 14 + 7 = 143 points	Starting pay:	122 points
Gross amount:	64 002	Gross amount:	54 603
Meal allowance: 7 pts.	3 133	Meal allowance: 7 pts	3 133
Compensatory allowance: 4.61%	3 095	Compensatory allowance: 4.61%	2 661
Gross total:	70 230	Gross total:	60 397
After 10 years: 182 points		After 10 years: 131 points	
Gross amount:	81 457	Gross amount:	58 631
Meal allowance: 7 pts	3 133	Meal allowance: 7 pts	3 133
Compensatory allowance: 4.61%	3 900	Compensatory allowance: 4.61%	2 847
Gross total:	<b>88 490</b>	Gross total:	<b>64 611</b>

Teamwork: to carry out what kind of work? on the basis of what criteria (security, ability to work independently, ease of execution ...).

- Promotion criteria

What are the criteria?

Length of service (number of years)

Basic/continuing education

Practical experience (work carried out)

Acquisition of skills (specific tasks)

Performance and commitment

## 5.4 Pay supplements/bonuses

### 5.4.1 Civil servants

	<i>Women</i>	<i>Men</i>	<i>Total</i>
Personal supplement	1	0	1
Computer bonus	2	0	2
Preschool teacher bonus (women)	3	0	3
Danger money	0	1	1
<b>Total</b>	<b>6</b>	<b>1</b>	<b>7</b>

With one exception, male civil servants did not receive any bonuses.

### 5.4.2 Independent contractors

	<i>Women</i>	<i>Men</i>	<i>Total</i>
On-call allowance	3	0	3

Based on availability. Base: 12 points

The bonus amount is proportional to the duration of the task.

### 5.4.3 Workers

	<i>Women</i>	<i>Men</i>	<i>Total</i>
Health hazard bonus	0	22	22
On duty after normal working hours	0	16	16
On-call allowance	1	4	5
Skills certificate	0	1	1
Personal supplement	0	1	1

With one exception, female workers did not receive any bonuses. When the collective agreement expires, the bonus system should be reassessed on the basis of proposals already put forward.

The legal and regulatory basis for these pay supplements is:

- Communal law;
- The collective agreement;
- The Act of 1989;
- The Act on remuneration of communal civil servants.

## Conclusion 5

Equal treatment is governed by the Act of 8 December 1981 and the Grand Ducal Regulation of 10 July 1974 (annexes 2 and 3). We note, with respect to personnel working in the Commune of Bettembourg:

- *Civil servants*: currently women are at entry-level or middle-level positions. There are two explanations: the recent recruitment of female civil servants, who will be promoted a few levels higher in the course of their careers. The other explanation lies in the definition of the value of their work.
- *Independent contractors*: compared to the status of civil servants and workers, their situation is the least secure at present. It is characterized by short-term contracts, which preclude the establishment of a career. The legal basis for such contracts is the Act of 24 May 1989 on short-term employment contracts and article 12 of the Grand Ducal Regulations of 11 July 1989 implementing the provisions of articles 5, 8, 34 and 41 of the Act of 24 May 1989. The renewal of teaching contracts depends on the fluctuation in the number of male and female primary-school teachers. Since the Advancement of Women Unit is not defined as a



Given that the number of dependants was taken into account in establishing the pay rate, these figures would suggest that trends in the remuneration of women, particularly female workers, should be studied more closely, since women are generally the ones who assume responsibility for raising the children, particularly after a separation or divorce.

## 7. Posts

Description of post categories:

- 1 = Administrative work: secretary, rate collector, editor, accountant, receptionist, administrative copyist, telephone operator, messenger
- 2 = Technical work: engineer, ecological adviser, foreman, engineering technician, site clerk, draftsman, technical copyist
- 3 = Labour: worker, master worker, foreman, team supervisor, skilled labourer, concierge
- 4 = Maintenance work: cleaning, maintenance of parks, roads and cemeteries
- 5 = Psycho-social and pedagogical work: psychologist, education specialist, social worker
- 6 = Education: teacher, educator, child care, homework assistant, infant care, swimming instructor

### 7.1 Civil servants

	<i>Women</i>	<i>Men</i>	<i>Total</i>
Category 1	9	6	15
Category 2	0	3	3
Category 6	3	1	4
<b>Total</b>	<b>12</b>	<b>10</b>	<b>22</b>

### 7.2 Independent contractors

	<i>Women</i>	<i>Men</i>	<i>Total</i>
Category 1	3	0	3
Category 5	3	0	3
Category 6	12	0	12
<b>Total</b>	<b>18</b>	<b>0</b>	<b>18</b>

### 7.3 Workers

	<i>Women</i>	<i>Men</i>	<i>Total</i>
Category 3	3	15	18
Category 4	14	20	34
Category 1	0	1	1
<b>Total</b>	<b>17</b>	<b>36</b>	<b>53</b>

## Conclusion 7

<i>Job category</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
1. Administration	12	7	19
2. Technical work	0	3	3
3. Manual labour	3	15	18
4. Maintenance work	14	20	34
5. Psycho-social and pedagogical work	3	0	3
6. Education	15	1	16
<b>Total</b>	<b>47</b>	<b>46</b>	<b>93</b>

Occupational segregation persists. Women are found in educational and administrative occupations, men in technical occupations. It should be noted that in category 4 (maintenance work), the differences are seen not so much in the type of work performed but in an analysis of working conditions and pay.

## 8. Training/retraining

### Persons who have received training since 1991

	<i>Civil servants</i>		<i>Independent contractors</i>		<i>Workers</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
Computers	5	8	0	4	0	0
Continuing ed. for commune employees and independent contractors	6	7	0	0	0	0
Courses for promotion	2	1	–	–	0	0
<b>Total</b>	<b>13</b>	<b>16</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>

As in so many other fields, continuing education is also important in government service, based on the assumption that the citizens deserve an efficient civil service.

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### 3.3 Workers

<i>Grade</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
0	7	0	7
1	1	3	4
2	0	5	5
3	0	15	15
4	0	3	3
5	0	6	6
6	0	4	4
7		1	1
<b>Total</b>	<b>8</b>	<b>37</b>	<b>45</b>

## 4. Civil status and dependants

### 4.1 Civil servants

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3.1. Out of the 14 civil servants working for the Commune in 1991, 11 were still there in 1997. Of those 11 people, the family situations of 7 remained unchanged (5 men and 2 women). One woman had had 2 children and received permission to work part-time. One woman had a child who was no longer a member of the household (had reached adulthood).

3.2. For the 4 female independent contractors who remained from 1991 to 1997, their family situation remained the same. All had 2 children.

In 1991, of 20 independent contractors, 19 were married, 1 was single, and 15 had children (75%).

In 1997, of 18 independent contractors, 14 had children (77%).

3.3. The situation for workers was as follows:

In 1991, of 37 men, 18 had no dependent children, 8 had 1 child, 9 had 2 children and 2 had 3 children.

In 1997, of 36 men, 18 had no dependent children (50%), 23 were married, 6 were divorced or separated and 7 were single.

In 1991, of 8 women, 2 had no children. 4 had 1 child and 2 had 2 children.

In 1997, of 17 women, 4 had no children, 13 had dependent children and 7 were heads of single-parent households (41%).

- These actions are approved by the Commune Council and the College of Aldermen;

## **Conclusion**

10. Change the age limits for civil servants.
11. Provide opportunities for women and men having taken leave for family reasons to participate in (further) training activities.
12. Take over the Advancement of Women Unit in order

## **Annex I**

### **Affirmative Action Plan**

[Original: German]

The affirmative action plan consists of a number of stages and measures that vary according to the type of firm

## **Annex II**

### **Act of 8 December 1981 concerning equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions**

#### *Article 1*

The principle of equal treatment for men and women applies to access to employment, vocational advancement, guidance, basic and advanced vocational training and retraining, access to an independent occupation or profession, and working conditions.

#### *Article 2*

1. For the purposes of this Act, the principle of equal treatment means that there shall be no discrimination whatsoever on grounds of sex, either directly or indirectly, by reference in particular to marital or family status.

2. Provisionally, the following shall not be considered as contrary to the provisions of this Act:

(1) Laws and regulations concerning night work by women in industry;

(2) Laws and regulations concerning the employment of women in mines;

(3) Laws and regulations concerning the recruitment of female volunteers to the armed forces and the employment of female officers, non-commissioned officers and police officers, as well as female officers, non-commissioned officers and gendarmes;

(4) Laws, regulations and administrative provisions

(1) To refer to the sex of the person in connection      Any dismissal mainly on grounds of the reaction of the



## Annex III

### **Grand Ducal Regulation of 10 July 1974 concerning equal pay for men and women**

*“Article 1.*

1. All employers shall be required to guarantee equal pay for men and women for the same work or for work of equal value.

2. For the purposes of this regulation, ‘pay’ means the ordinary basic or minimum wage or salary and any other additional benefits, in cash or in kind, which the worker receives directly or indirectly, in respect of his or her employment, from his or her employer.

3. (1) The various components of pay shall be established on the basis of the same criteria for both men and women.

(2) The categories and criteria for vocational classification and advancement, and any other basis for calculating pay, such as job evaluation methods, shall be the same for workers of both sexes.

4. Any provision appearing in a contract of service, a collective agreement or a rule governing an undertaking or a workshop which includes lower pay for the same work of equal value for a worker or workers of either sex than for workers of the other sex shall automatically be null and void.

The higher pay received by the last-mentioned workers shall automatically be substituted for the pay that had been included in the vitiated provision.

5. The Inspectorate of Labour and Mines shall be responsible for overseeing the application of this regulation.

6. Disputes arising from the application of this regulation shall be referred to the jurisdiction competent with regard to contracts of service.”

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