

BARGAINING FOR EQUALITY

RESEARCH STUDY INCLUDING EXAMPLES OF GOOD PRACTICES, GUIDANCE AND
RECOMMENDATIONS FOR TRADE UNIONS AND WORKERS REPRESENTATIVES

Elaborated in the framework of the industriAll European Trade Union project “*Bargaining a fair and inclusive, green and digital transition for a European industry with equal opportunities for all*”

WHY BARGAINING FOR EQUALITY?

In most countries, the general principle of equality is enshrined in the **Constitution**. Equality in the workplace is regulated by **national labour law and collective bargaining law** as well as several other relevant laws.

In the European Union, the principles of equality and non-discrimination are among the founding values (particularly in Articles 2 and 3(3) of the [Treaty on European Union](#), TEU). Equality is also enshrined in Articles 8, 10, 19, 153 and 157 of the [Treaty on the Functioning of the European Union](#) (TFEU) and Articles 21 and 23 of the [Charter of Fundamental Rights](#). Several pieces of legislation are aiming at improving the integration of certain vulnerable groups into the labour market and at preventing or eliminating discrimination in access and supply of goods and services. **Equal opportunities regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, access to the labour market and fair working conditions, including equal pay for work of equal value** are also at the core of the [European Pillar of Social Rights](#) (2017).

Furthermore, the elimination of discrimination in all aspects of employment and occupation is one of the [fundamental principles and rights at work](#) of the **International Labour Organization (ILO)**. All ILO members have an obligation, to respect, to promote and to realize these fundamental rights. According to the ILO, “*Discrimination in the world of work [...] is of huge cost to society [...]*”.¹

Even though equality is enshrined in law, which is an essential step towards eliminating inequalities, there are still discrepancies and problems in terms of scope and implementation in practice. **Discriminations and inequalities in the workplace still exist. That is why trade union action is important.**

BARGAINING FOR EQUALITY IN PRACTICE

The first and overarching strategy for better bargaining for equality is **equality mainstreaming**. It involves integrating equality perspectives and concerns into all aspects of the collective bargaining process in order to achieve greater equality both in the process and in the outcomes. The question is, how can you get there? What influencing factors and interdependencies need to be taken into account **before, during and after the negotiations**? And how can bargaining actors, trade unions and workers representatives, be supported in the promotion of equal opportunities?

BARGAINING FOR EQUALITY AT DIFFERENT LEVELS – ROLE AND SCOPE

Collective bargaining in practice is regulated by law or higher-level general agreements. Compared to the rather universal approach of legal regulations, collective bargaining offers the flexibility to develop more targeted approaches. It may take place **at different levels** - national, regional or company / workplace level as well as at cross-industry or sectoral level. There is a wide variety of collective bargaining in Europe. The same applies to the **scope of agreements** reached. While in some countries there may be extension mechanisms to cover all workers, in others this is not the case. Higher-level agreements often set the minimum standard for lower-

¹ ILO (2007)

level agreements (improvements are always possible). The interdependencies between agreements at different levels and the coordination between the different negotiations also vary from country to country.

From our research, we also learnt that collective bargaining on equality varies greatly in terms of **functional scope**. At one end, social partners negotiate an agreement dealing exclusively with equality issues (e.g. “Agreement on equal opportunities and elimination of the gender pay gap”, “Agreement on the professional integration of people with disabilities”) while in other negotiations equal opportunities are negotiated in the scope of one chapter or one provision on one equality issue in a package with a wide range of other topics or even wages. In other cases, equality is not on the bargaining agenda at all.

What are the **driving factors behind an equality-sensitive agenda-setting**? Is bargaining on equal opportunities mandatory, permissive, voluntary or prohibited? While in some cases, social partners may be legally obliged to negotiate on equality issues, in other cases, bargaining for equality entirely depends on the voluntary decision of the parties involved in the bargaining process. If there is no legal regulation that defines an obligation or at least recommendations related to bargaining for equality, national or sectoral agreements have a crucial role in defining general minimum standards and providing orientation for lower- level bargaining rounds on the issue.

Due to the weakness of sectoral industrial relations (especially employers' organisations), the company level is the main and often the only level of negotiation in countries such as Romania, Poland, or Turkey. It is also important to consider and assess changes in the bargaining system. Concerning the gender pay gap for example, according to the ILO, it has been shown that “*the more collective bargaining is decentralized, the wider the wage disparities [...]*”.² With the long-term **trend towards decentralisation of collective bargaining**, there are shifts in roles, tasks and responsibilities from one bargaining level to another.

HOW DO/CAN NEGOTIATIONS INFLUENCE EACH OTHER?

The interdependencies of collective bargaining at different levels highly depend on the national bargaining system. Still, it is worth exploring how the negotiations at one level can influence negotiations at other levels. One of our research questions therefore was, **if sectoral bargaining learns from company bargaining or vice versa**. In several countries, (minimum) standards in terms of pay and working conditions are set by collective bargaining agreements at **cross-industry or sectoral level** which provide the framework for negotiations at other levels and rarely contain very specific provisions. Nevertheless, they establish **general principles and lines of action, and a minimum benchmark** agreed between the parties. For SMEs, that often have no company level agreements, the provisions of higher levels are particularly important because they cover/reach more people. Sometimes, agreements at higher levels anticipate legal changes, and the social partners proactively negotiate equality provisions, sometimes the agreements just transpose new legal requirements.

² Source: ILO: [Equality at Work](#): Tackling The Challenges (2007), p.91

In Italy, for example, the national collective labour agreement (CCNL, contratto collettivo nazionale di Lavoro) at sector level defines the issues that can then be dealt with – in more detail - at the second level of negotiations. As all CCNLs in Italy include at least one paragraph or provision on equal opportunities, equal opportunities are also firmly anchored at the second level of negotiations. In other countries, where negotiations take place at both sectoral and company level, it works the same way, and collective agreements at company level often follow the same structure as the sectoral collective agreement. Therefore, new agreements at higher levels, in particular if they introduce new provisions on equality, can trigger or inspire bargaining for equality at lower levels.

Agreements **at company or local level** can be more specific. Although some company agreements merely repeat the national/sectoral agreement or provisions without changing the terms or going beyond, they usually improve the provisions, contain higher targets and offer more favourable conditions. They can translate the indications from sector agreements into concrete actions (e.g. training, leave arrangements, protection measures) tailored to the specific needs of one workplace. According to our interview partners, at company or workplace level new measures and actions can be tested. It is the decisive level for experiments and new, innovative ideas. These partly come from individual solutions (because if you have a concrete problem at the shopfloor, you will look for a solution). Agreements in large/ multinational or public companies often serve as role models and can act as a triggering factor for agreements in other companies.

If they prove good, successful bargaining experiences or good provisions from the company level are shared as good or innovative practice and are taken up at sectoral negotiations and in respective agreements. They may also serve as an inspiration for legislative proposals. Trade unions have a decisive role to play here, by **ensuring communication and the exchange of good practices** and agreements among companies in one sector, among sectors, as well as between the different bargaining levels. This leads us to the role of joint bodies which is briefly described in the following section.

THE ROLE OF SOCIAL DIALOGUE AND JOINT BODIES AT DIFFERENT LEVELS

Good industrial relations and a functioning social dialogue can be decisive precursors for successful and less conflictful collective bargaining and negotiations at all levels. Social dialogue encompasses, besides collective bargaining, all types of negotiation, consultation or exchange of information on issues of common interest between representatives of government, employers and workers. Depending on national industrial relations and practice, trade unions and employers' organisations are commonly involved at different levels, starting with the **European social dialogue** at cross-industry and sectoral level and tripartite processes and bodies with the government at national level. At sector level, social dialogue takes place mostly in **joint (bipartite /bilateral) committees**. Equality and equal opportunities are often addressed in all these bodies. In Belgium, sectoral collective bargaining agreements are concluded at joint committee level. Social dialogue and in particular the joint bodies / committees have, among others, a role to prevent or settle disputes. Social dialogue aims to bring together different perspectives to create a **common understanding** of key aspects, to promote participation, stability and progress.

In several countries, there are examples of joint bodies at sectoral level that only deal with equality issues (equal opportunities, non-discrimination, diversity and inclusion) and take over decisive tasks and activities in this field (e.g. **policy development**, monitoring activities). They can have a positive impact on the dissemination and advancement of equality issues. While a lack of trust often prevents consensus in collective bargaining, the working atmosphere in joint bodies is generally less conflictual and more respectful. It is often the same people who work together in joint committees who are also involved in collective bargaining. Joint bodies can provide a more neutral space to address issues that are also subject of collective bargaining. Sometimes, within these bodies, trade unions may reach outcomes that they do not reach in collective bargaining. From a trade union view, it is also important for successful negotiations to **know and consider the employer's views and motivations** and also here, these bodies might help. However, it also emerged from our discussions with trade union representatives that there might be discrepancies between the tasks and the ambitious objectives of joint initiatives (agreements, recommendations, guidelines) at national and/or sectoral level and the practical implementation in the workplace or in the companies.

There are also **joint committees at company/workplace level**. The existence of these bodies often stems from a legal requirement for joint committees or consultation between workers (representatives) and management/company representatives, e.g. in the areas of health and safety at work, training or social issues, including equal opportunities. Bodies dedicated to equal opportunities may include committees for inclusion, equal opportunities, diversity or women's committees. Sometimes, there are also working groups.

The specific tasks and responsibilities of these committees should be defined in collective agreements. They usually deal with policy developments, opinions and joint activities. In the workplace, they are an important platform for dialogue between stakeholders and are usually involved in the preparation of negotiations on equality as well as in the implementation and monitoring of collective agreements. If these bodies do not exist yet, trade unions and their representatives should think about setting them up to support bargaining for equality in a given workplace.

PREPARING AND CONDUCTING NEGOTIATIONS

Collective bargaining follows defined processes that comprise several key phases. The negotiation strategies differ from union to union and depending on the context of the negotiations. One of the main aims of our research was to gather recommendations and suggestions **for trade union strategies for equality-sensitive negotiations** based on practical experience. These recommendations, which emerged from the interviews with the trade unions involved, are presented below. They focus on three topics that were emphasised as particularly important:

- First, to carry out a critical analysis of existing agreements “with an equality lens”
- Second, to identify needs and bargaining objectives and define priorities in a participation-oriented way
- Third, to set up (if possible) representative and diverse bargaining teams

ANALYSIS OF AGREEMENTS - WITH AN EQUALITY LENS

A first step in preparing for collective bargaining is to analyse existing agreements, starting with the agreement to be renegotiated, but also considering best bargaining practices and provisions from other agreements. It is important that this is done with an “equality lens”.

1. Analyse the current collective agreement

Trade unions should analyse the current collective agreement to **identify gaps and areas for improvement**. If legal changes lead to new requirements or obligations, the agreement must be adapted accordingly. This is always an opportunity to bring forward and negotiate new demands to improve the existing provisions. The same holds true for necessary adaptations to changes or provisions of higher-level agreements. Usually, there is room for manoeuvre in the transposition and implementation of obligations. Trade unions can also decide to opt for a proactive approach and consider anticipated future changes. Through evaluation and monitoring activities of the implementation of the current agreement, as well as considering the input, feedback or complaints of those covered by the agreement, further gaps or areas for improvement can be identified.

2. Detect possible discriminatory aspects in existing collective agreements

Trade unions can and should always look actively for discriminations and infringements in their agreements – not only when preparing their demands for upcoming negotiations. They can also propose changes to existing agreements during the term of an agreement. Several trade unions are already doing this, but not all do it **in a systematic and continuous way** (e.g. through established review procedures at regular intervals). Often this is done on an ‘ad hoc’ basis, i.e. in response to an indication of discriminatory provisions. These indications may come out of the membership or from shop stewards. According to our interviews, if existing, it is often the women’s / equal opportunities or diversity groups / committees that provide this input or that take over the task to scan agreements. Some trade unions review the agreements together with external experts, some even together with the employers. It is worth establishing a habit here. Some trade unions might be reluctant to renegotiate certain agreements with otherwise favourable provisions in favour of equality demands for fear of ‘losing’ gains in other areas. On the other hand, employers are often willing to adjust agreements - especially if they do not meet current legal requirements. This situation must be assessed on an individual basis.

3. Carry out benchmarking activities, identify and promote innovative practices

To improve a current agreement or certain provisions, it can be useful to look at other collective agreements (at the same bargaining level) that could work as a **model or benchmark**, be it agreements of other companies in the same sector or in other sectors, sectoral collective agreements of other sectors or even agreements negotiated in other countries to identify best practices. It is not only about inspiration and innovative practices, but also about **competitiveness**. If other companies or sectors have provisions that make them more attractive to workers, this could be a trigger for certain favourable provisions. Furthermore, trade unions can resort to higher or lower-level collective agreements or the national or international legal framework on equal opportunities for definitions, wording or ideas for (proactive) initiatives.

Both multinational companies (MNCs) and public companies are often regarded as pioneers when it comes to equality, and others can learn from them. They often have a different focus and different opportunities (e.g. in terms of resources).

- **Multinational companies** often have very favourable equality provisions in their collective agreements. It is worth examining the agreements in other countries and considering whether they can be transferred to your own location if they provide for best practice. Measures that apply in one country or company are often transferred to other countries (e.g. from Volvo in Sweden to Finland). The **supply chain** could also be included. When multinational companies have negotiated international or global framework agreements (**IFAs, GFAs**), they commit to applying common standards across their operations. Existing European Works Councils can also be a good body to exchange and promote good negotiation practices between countries and to put certain issues on the negotiation agenda.
 - **Public companies** often are among the first to transpose new legislation. This includes equality issues. Therefore, public companies – and the provisions in their agreements – could serve as an example for the private sector. An important prerequisite for all benchmarking activities and the (possible) extension of collective agreements is the **constant exchange and promotion of good bargaining practices**. These could be shared through trade union's databases for example.
- 4. Consider the integration of equality issues in the negotiations of agreements with other thematic and/or functional scope**

Some equality demands can be included or attached to demands in another field such as occupational health and safety (e.g. teleworking, sexual harassment, gender-specific protective equipment).

DEFINING THE TRADE UNION BARGAINING AGENDA AND OBJECTIVES

Better bargaining for equality requires the **development of an equality-sensitive bargaining agenda** and therefore the decision to give room to equality issues. Why and how do trade unions include equal opportunities into their collective bargaining? In addition to those rather external triggering factors that have already been mentioned (e.g. legal requirements, collective bargaining at other levels, developments in other sectors/companies), we took a closer look at how trade unions identify and define their **demands, objectives and priorities** for negotiations.

1. Identify the needs, adopting a participatory approach

When preparing the negotiating agenda, trade unions must identify the most important demands for a particular sector or company, starting with identifying the needs. A **participatory approach** is particularly important for successful negotiations on equality for several reasons. Firstly, because the workplace is the crucial level of implementation of collective agreements. Trade unions should ensure that they consider the contributions of those affected in the respective company or sector and include different perspectives. They should be aware of existing inequalities or discrimination as well as individual best practices and ideas to solve existing problems. In addition, they must provide the necessary tools or mechanisms to gather this input.

An important source of information, if available, are the **(joint) groups, committees or bodies** that are dedicated to equal opportunities or diversity, for example, or that represent women or other groups of employees within a company. The health and safety committee, volunteer committees or working groups are other possibilities. All these bodies could **collect ideas and proposals** for bargaining for equality. Information could also be obtained through works councils and shop stewards / trade union delegates (often also participating in those bodies mentioned). **Surveys, mailboxes or feedback and complaints mechanisms** aimed at all employees - from staff to management - are another important tool for collecting suggestions as part of a bottom-up approach. This should always include anonymous offerings (e.g. digital platforms or traditional mailboxes) to ensure low-threshold access and utilisation. **Meetings, workshops or training courses** are another option to get into contact with people and to collect their feedback. To support participation and mutual exchange, it is also necessary to **empower people and to build up capacities** (e.g. by awareness-raising and training activities on equal opportunities issues).

2. How to decide on priorities

Trade unions should make equality a priority, also in collective bargaining. While internal processes might differ according to the (national) bargaining context and trade union's practice, the decision on priorities mostly is a mix of bottom-up and top-down measures.

Usually, each trade union sets its priorities for bargaining in a rather lengthy process, involving members and representatives, with lively exchanges at different levels. When agreements are negotiated by several unions, each union puts forward its demands and then they in turn look for common demands and priorities to negotiate with the employers. In some unions, all members can submit proposals for demands to a special committee.

An example at sectoral level could be that committees or equivalent bodies at each workplace draw up demands, taking into account the needs and demands of their workforce (e.g. following works meetings). In a next step, several workers' representatives at company level (different companies) decide on demands and then submit them to the negotiating body, which is made up of trade union experts and representatives, who then narrow them down and decide on priorities.

As we have seen in former chapters, there are huge differences in the **scope** of existing agreements. Trade unions should try to include "equality issues" into all their bargaining agendas and, even if they do not negotiate an agreement only focusing on equal opportunities, **highlight the gender dimensions of general issues like wages and working time when bargaining**. They could agree on appropriate strategies to promote bargaining for equality. Among the examples shared by our interview partners, there were also a few that, as a rule, for example imposed at least one equality demand to every negotiation round. Another strategy is, to pick one priority topic and to focus activities including collective bargaining activities only on this one issue (e.g. health).

3. Ensure representativeness and diversity at all stages of the process

Talking about equal opportunities, diversity and inclusion, it should go without saying that all workers and all trade union officials should be included and involved in all stages of the process of bargaining for equality. This starts with giving them a voice and considering their needs through

to participation in specialised bodies and decision-making, promoting diversity at all levels. Within trade unions, for example, women are often underrepresented, when comparing the proportion of members and leadership.

Targets and quotas are two tools, often used to promote a greater diversity or representativeness. In the collective agreement of the French metalworking sector for example, it is mentioned that they are aiming at mixed delegations of trade union and employer organisations in the joint / bilateral bodies of the sector. This relates basically to a balanced representation of men and women. It is a challenge to ensure that different genders, minorities or vulnerable groups are represented in decision-making bodies. Quotas can be another tool to ensure or increase the participation of certain groups of employees in decision-making processes. However, a popular argument against quotas is that women (or other groups) feel discriminated against or disrespected because they are made to feel that they have only gained a position because of a quota and not because of their qualifications. This can cause stress for those affected, who feel that they have to perform better than their colleagues in order to prove that they are competent.

Another problem is that women/minorities/victims do not share or contribute their ideas in less diverse structures. Trade unions could offer them a safe space by setting up relevant structures or offering special training, only available to these groups. Within the union, for example a Womens Commission working together with the equal opportunities department of the union.

THE BARGAINING TEAM

The selection process for trade union's bargaining teams differs from country to country and from union to union and is usually laid down in the trade union's statutes and rules of procedure. The negotiation level and the scope of collective bargaining also have an impact on the composition of the bargaining team.

REPRESENTATIVENESS AND DIVERSITY OF BARGAINING TEAMS

As part of our research, we took a closer look at bargaining teams at different levels and their selection, focussing on whether they were diverse and inclusive. The composition of the negotiating teams of the unions surveyed varied greatly. While in the past, union structures and negotiating teams were often dominated by men, some of the current teams were described as diverse, while others consisted only of women.

Bargaining teams are often made up of trade union officials (e.g. experts from the collective bargaining department, officials from the local/regional/national trade union structure), shop stewards and elected workers' representatives. Important criteria for election or appointment are usually expertise and experience. At lower bargaining levels, the size of the bargaining team can vary depending on the number of shop stewards in a company, which depends on the number of workers. The bargaining team should be representative for the workforce of a company or sector, reflecting its composition. Still, a diverse representation is mostly not guaranteed. If there is a **representation quota** for female shop stewards (in a male-dominated sector) for example, chances are higher, that women are part of the bargaining team. At the national level, in some cases, the same officials from the national trade union structure negotiate all agreements.

In the end, in our opinion, for the bargaining team, the same holds true as for all other actors involved in the bargaining process. Negotiating teams should ideally be **representative and diverse** to bring a greater diversity of topics and perspectives to the negotiating table, especially, when bargaining for equality. Interviewees pointed out that negotiations on equal opportunities, were / are sometimes conducted from a patriarchal / male perspective. If you have different genders in the bargaining team, you can on the one hand ensure exchange and promote mutual understanding and on the other hand the likelihood of gender-sensitive outcomes increases.

SUPPORT AND GUIDANCE TO NEGOTIATORS

The more experienced, prepared and qualified the negotiators are, the better the results of the negotiation processes. It is therefore of the utmost importance that trade unions support their negotiators as much as possible by providing them with all the **necessary information** and investing in **training and capacity- building**. This should include everything from negotiation, communication and leadership skills to specialised training on equality issues. This is an area where even experienced negotiators can have gaps in their knowledge - especially if they have not experienced inequality and discrimination themselves and if they are not involved in any other activities or bodies dealing with equal opportunities. It would be best if all training programmes for negotiators included mandatory content on equal opportunities.

The main sources of information for negotiators in preparing for negotiations on equality are those described above: the **legal and policy framework, existing collective agreements**, including those at other levels or those of other companies for benchmarking purposes, and the **experience and knowledge (including complaints) of relevant actors** in the workplace and in relevant bodies dealing with equal opportunities. The results of **monitoring and evaluation activities** (of the implementation of existing agreements) are also part of the negotiators' preparation.

While negotiators can also draw on external expertise, our interviewees cited the following tools that trade unions themselves can provide to support their negotiators:

- **Trade unions' negotiation guidelines and recommendations, including good bargaining practices on equality issues, rights and obligations** (These could also be joint guidelines drawn up by several trade unions or even by trade unions and employers in the same sector)
- **Policy papers**
- **A code of conduct for bargaining for equality**
- **Digital platforms or databases with a collection of (good practice) collective agreements** from different levels of bargaining
- **Guidance documents with model clauses / provisions on equal opportunities**
- **Formulate a model agreement**
- **Mentorship programmes for new negotiators**

EXAMPLES OF EQUALITY ISSUES AND POSSIBLE DEMANDS

This chapter briefly introduces selected equality issues or areas of equal opportunities that are addressed in collective bargaining at different levels, as well as some key aspects or possible demands that trade unions and their representatives/negotiators could consider in order to

achieve (more) equality.³ Some topics and demands suit different areas of equal opportunities. Trade unions should include them where they fit best in their bargaining context. For example, domestic violence could also be part of a collective agreement on telework.

The variety of topics and provisions in collective agreements is large and ranges from “standard” provisions to very innovative or detailed provisions, all of which entail further measures, activities and workplace policies in practice. Here too, trade unions' priorities and options for action vary depending on the scope of negotiations, the legislation in force in their respective countries, company policies, previous collective agreements, market conditions, culture, workers' needs, etc.

Key aspects that run through all topics and should always be considered when formulating or reviewing demands and negotiating provisions include non-discrimination and inclusivity (neutral language; who is addressed? ALL genders, ALL families, ALL professions), participation, clear responsibilities, set targets/KPIs (measurable), provisions for implementation and follow-up, awareness-raising and training, sanctions in case of infringements. As regards these issues, we have included the example of violence and harassment for a more detailed description and illustration as this topic has been one of joint concern and priority for many of our interview partners involved in the project.

(SEXUAL) VIOLENCE AND HARASSMENT (IN THE WORKPLACE)

Harassment and violence are a particular problem for women and LGBTIQ people - not only in the workplace, but also at home (domestic violence). Domestic violence appears to have increased during the Covid-19 pandemic. In general, teleworking or remote working blurs the distinction between the domestic and professional spheres. In addition, domestic violence can have a negative impact on productivity, health and work outcomes. Therefore, it can be regarded as a workplace issue.⁴ Harassment and violence in the workplace can occur in several ways. In the first case, victim and culprit both work in the same company. The second case relates to third-party violence. Another case is, if coworkers of a victim (of domestic violence) are threatened at work – which can affect both their work and their safety at work. The newer forms of violence and harassment include cyber violence and cyber harassment (at work).

Trade unions can do much to combat violence and harassment and to protect and support the workers concerned. The social stigma surrounding this issue is probably even greater than for other acts of inequality or discrimination - which complicates matters further. If you ask employers what they do - because it is their duty to protect workers according to EU and national law - some might say that violence and harassment do not happen in their organisation. This is partly due to the fact that many people do not talk about it voluntarily or that misconduct is not recognised as such. Ideally, trade unions and employers should discuss and introduce measures together. If an employer does not take action, at least the trade union should take the initiative. In some countries, such as Italy, France and Spain, trade unions have been very active in this area

³ The examples are primarily based on the interviews and some selected collective bargaining agreements at sectoral and company level, as well as in the case of sexual violence and harassment

⁴ ILO C190 defines domestic violence as a workplace issue – but not all countries and trade unions do.

for a long time and have negotiated corresponding collective agreements. This is often due to legal obligations. Lately, ILO [Convention C190](#) (2019) has placed responsibilities on ratifying governments and duties on employers to mitigate the effects of domestic violence in the workplace. In addition, gender-based violence and harassment (GBVH) are considered psychosocial risk factors that are treated as an **occupational health and safety issue**, which in turn also leads to obligations for employers. OHS can therefore be a good entry point for the topic. Even, if a country has not ratified ILO Convention C190, trade unions could use it as a **reference point for collective bargaining** and for their activities to address violence and harassment.

Back in 2007, the **European social partners** ETUC/CES, BusinessEurope, CEEP and UEAPME concluded a “[Framework Agreement](#) on harassment and violence at work”. It was aiming at providing “*employers, workers and their representatives at all levels with an action-oriented framework to identify, prevent and manage problems of harassment and violence at work.*” The **ETUC** has also issued a publication entitled “Safe at work, safe at home, safe online” in 2024, which contains several recommendations, including **collective bargaining, to combat and prevent gender-based violence**.

The following table shows the main areas of action and examples of measures or activities that trade unions can consider when addressing this issue, ideally when negotiating it in collective bargaining. As always, the first and most important step is awareness-raising, information and training, as a lack of awareness and knowledge, e.g. about cyber violence, can be particularly widespread in this very sensitive and personal area. It is also important to ensure that there are mechanisms in place for people to ask for help anonymously.

IMPLEMENTATION, FOLLOW-UP AND IMPACT ASSESSMENT

Like the legal framework for equality and its application, collective agreements or equality provisions are a very important first step towards realising equal opportunities for all workers. However, there is a risk that the agreed provisions and measures only exist on paper. Even if they are implemented as planned, it is important to monitor whether they actually lead to a reduction in inequalities in practice or whether they need to be adapted.

Some of our interviewees admitted that they had negotiated equality provisions in their agreements, but that they were weak in following up and still needed to put mechanisms in place. Ideally, trade unions should include provisions for effective implementation, monitoring and impact assessment in their collective agreements when bargaining for equality (if this is not already required by law). Establishing clear procedures and defining responsibilities is crucial.

IMPLEMENTING AGREEMENTS

As described in relation to the negotiation experience and the importance of specialised “bodies”, it seems useful to introduce or appoint key persons or committees responsible for the implementation of collective bargaining agreements at the respective negotiating level. This could be the same bodies (women groups, inclusion committees, equal opportunities groups) or new bodies.

At company level, trade union delegates or the works councils should play a crucial role in the development and implementation of action plans. Workers and their representatives must put the provisions of collective agreements into daily practice. The deadlines for implementing the measures should also be laid down in the collective agreement. In addition, specific training should be organised for the responsible persons/committees on the employers' and workers' side. Collective agreements should be accompanied by flanking measures to ensure that they are implemented in company practice.

EFFECTIVE MONITORING AND EVALUATION MECHANISMS

Continuous monitoring of the implementation of collective bargaining agreements makes it possible to identify and address potential problems that arise during implementation and to obtain information about the effectiveness of the agreed measures. Success factors can also be identified in the same way. The following tools and strategies should be considered:

1. Identify key indicators for monitoring

To assess progress towards greater equality or the achievement of set targets, **specific measurable, and time-bound indicators** must be defined. These may include input indicators (e.g. expenditure on equality trainings), output indicators (e.g. number of individuals having received training), and outcome indicators (e.g. improved capacities or performance). Initially, trade unions could monitor a wider range of indicators (or those data that are readily available) and then gradually find out which indicators are really important to them by analysing the data. This should be an ongoing process, with indicators being adjusted as necessary.

Ideally, key indicators for monitoring should be defined within the collective agreement. In the case of equality plans or equal pay programs / pay transparency measures, for example, a set of key indicators is often already clearly defined (by legislation).

2. Gather and analyse reliable quantitative and qualitative data

Trade unions should **gather and analyse reliable quantitative and qualitative data in a systematic way and from an equality perspective** (e.g. salary structures, career paths – especially with regard to the development of responsibilities, skills, etc.) On the one hand, this is the basis for identifying potential inequalities and discriminations (and therefore needs) in a particular sector/workplace and understanding the underlying causes or influential factors. Trade unions need this information to advocate for improvements. On the other hand, data collection and evaluation is the basis for monitoring. The role of the trade unions is to monitor how and whether the provisions and measures provided for in collective agreements are applied in practice and whether they make a difference towards greater equality.

An important prerequisite is the access to the necessary data and information. Among the trade unions interviewed, most said that they had access to data or that workers' representatives at company level could always ask for it. In many cases, access to data and information is regulated by law or collective agreements. If this is not the case, or if there are gaps or a lack of relevant data, trade unions should take the necessary steps to fill these knowledge gaps.

- **Quantitative data** is often readily available from official **statistics** or company/trade union **databases** and can be easily monitored. While gender-disaggregated or age-disaggregated data is rather the norm (it is often required by law, especially in the case of gender), in other cases it can be more difficult to obtain data.
- For a holistic approach, **qualitative information** is even more important. This can be obtained through **stakeholder consultations**, e.g. through regular (anonymous) **surveys or studies**, the development of **questionnaires** or the creation of **checklists**. For example, trade unions could send a questionnaire to all workers to find out how satisfied they are with existing equal opportunities policies. **Complaints and feedback mechanisms** are another source of information. Other sources include **on-site inspections** and contributions from **meetings** (of relevant bodies such as works councils, working groups, (joint) equal opportunities committees, unit committees at different levels etc.).

Detached from the monitoring of collective agreements, trade unions should always evaluate activities and practices, such as participation in trainings, utilisation of support offers etc.

3. Establish mechanisms and include relevant parties

Data collection and analysis can take place at various levels, both internally and externally: within trade unions or their associations, within employers' organisations, in specific departments within companies (management, human resources), in the relevant working groups, (joint) committees, or in cooperation with external partners such as government bodies or independent experts such as universities or research institutes. Some companies carry out equality or diversity audits with specialised audit companies that combine data collection with employee surveys and certify good and effective practices.

At higher levels, in most countries, evaluation or assessment bodies exist, as well as for example an Equality Ombudsperson etc. At company level, either existing committees take on the monitoring tasks or a **monitoring committee** is set up. As a rule, these are trade union representatives, employee representatives, employer representatives and members of existing committees (e.g. occupational health and safety).

Depending on the specific context (agreed provisions/measures, related indicators, access, priorities, financial and human resources (expertise), short-term and long-term objectives etc.), the choice of the responsible structure and monitoring tool may vary.

It is important to carry out monitoring in a structured manner, to establish mechanisms with fixed timeframes (e.g. annual staff surveys, regular progress reports, regular meetings between company management and delegates) and to define responsibilities and focus groups taking into account different perspectives – ideally all written down in the collective agreement.

Communicate the results of monitoring and incorporate continuous feedback loops

Trade unions should **communicate the results** of their evaluation and monitoring activities to **all relevant stakeholders**, be they members, bargaining partners, local authorities or a particular group of workers for example. The interviewees pointed out that members are often unaware of the provisions in the collective agreements or the monitoring measures. It is of the utmost importance to involve the people concerned and take their feedback into account on an ongoing

basis. An important side effect for negotiations is that dialogue and transparency can promote trust.

The result of the monitoring is the basis for further political decisions and negotiations. Any difficulties related to the implementation of an agreement should be discussed with the aim of resolving them. This should, for example, enable **corrective measures or possible adjustments** - even during the term of the agreement, with the aim of continuous improvement. Trade unions should highlight implementation problems or even violations of the agreement as well as good news about progress or successes. Impact assessments – How are different groups of workers affected?

A particularly interesting aspect is to assess how – in this case e.g. the provisions and measures of a particular collective agreement - affect different groups of workers. Do they reduce, maintain or increase inequalities between different groups of workers? In this way, adverse effects on certain groups can be reduced and equal opportunities for all can be improved.

Gender impact assessments, for example, are used to evaluate how laws, policies, programmes or services may affect people of different genders differently. Usually, the assessments are conducted before implementation. Key aspects include a systematic analysis, a before-after comparison, and preventative measures. Gender impact assessments should consider an intersectional approach (how gender interacts with other aspects of identity, such as ethnicity, age, disability or sexual orientation).

As we have already seen in previous chapters, trade unions can play an important role in promoting equality at work. To foster a culture that genuinely encourages bargaining for equality, trade unions should adopt a **comprehensive approach**. They should **clearly commit to equality** at all stages and levels of policies, programmes and projects. Equal opportunities and non-discrimination should be an integral part of their **culture** and of all internal and external trade union activities. To be credible in negotiations, it helps to set a good example yourself. Ideally, this means that the things trade unions demand from employers should also apply or be demanded within the union.

INCORPORATE EQUALITY INTO YOUR STRUCTURES AND POLICIES

As a basis, trade unions should incorporate equality into their **internal structures and policies**. This may be a longer process, but individual steps could be introduced gradually, taking into account groups of trade union members, their interests, concerns or ideas. The body responsible for coordinating all equality-related activities is usually the Equal Opportunities Department.

At the level of internal trade union policies and guidelines, that serve as a common reference, trade unions should, for example, critically review their trade **union statutes**, their **principles** and **values** as well as their **political objectives** communicated internally and externally. Do they include and commit to equal opportunities and non-discrimination, and do they promote equality?

For example, industriAll European Trade Union launched a [pledge](#) against racism, xenophobia, antisemitism and islamophobia in 2024 to which their affiliates commit themselves. They also

launched a [position paper on rainbow workplaces](#) in 2021. This not only sets an example but also serves to raise (public) awareness and draw attention to these topics.

FOCUS ON AWARENESS-RAISING, TRAINING AND EDUCATION

Awareness-raising, training and skills development are closely linked strategies and tools which can all help to promote a culture of equality – among union members, in the workplace, in politics and in society. Targeted activities can pave the way for better and more successful negotiations on equality. And all these activities can of course be carried out alone or together with employers or other partners.

AWARENESS-RAISING IS KEY

Raising awareness is the key strategy for **combating stereotypes and promoting social or behavioural change**. Trade unions should **inform and educate** people about inequalities and discriminations in the workplace and promote understanding of the situation and perspectives of vulnerable groups to influence their attitudes, behaviours and beliefs towards better and fairer working conditions. Raising awareness also involves informing members about new legislation and promoting their **understanding of rights and laws (including collective agreements)**. Through awareness-raising activities, trade unions can mobilise people (and public opinion) against injustice and inequalities. This includes activities aimed at all interest groups, starting with workers, employers, trade unionists, negotiators, government authorities and society as a whole. People need to be aware of a problem to be able to act.

The methods or channels used to raise awareness of equality issues are those that trade unions normally use. The question is rather whether they use them and whether they prioritise the promotion of equal opportunities and non-discrimination and dedicate their activities (and their resources) to this topic.

Guidelines and studies can serve as important tools for negotiators to promote equality. They can also be particularly helpful for SMEs, which in most cases do not have collective agreements. Several trade unionists have told us about **jointly elaborated documents** (e.g. guidelines on harassment and violence at work) and successful **awareness-raising projects with employers** (e.g. a joint project on specific risk factors in terms of health and safety for women working in the metal industry).

Many trade unions opt for the well-known international days of action such as **8th of March** (International Women's Day) or **25th of November** (International Day for the Elimination of Violence Against Women) for promoting own equality-centred demands and activities. Events in particular offer a good opportunity not only to reach many people but also to **enter dialogue**. Trade unions can discuss with people the inequalities or discrimination they face and work together to find solutions.

Campaigning and lobbying are two further related but distinct activities that trade unions could engage in to promote equality (issues). For example, trade unions could campaign for issues that they have not managed to negotiate in collective bargaining so far, or as a first step to raise awareness on a certain topic that then might enter collective bargaining in a next step. A lot can

be achieved for more equality and better working conditions, particularly through **joint campaigns or initiatives with employers**. **Lobbying** focuses on policymakers and trade unions' influence in political decision-making and legislation at different levels.

INCLUSION OF EQUALITY AND DIVERSITY IN TRAINING AND QUALIFICATIONS

It is a central task of trade unions to actively promote better **access to training in the workplace** and to support workers in continuously updating and improving their skills. Often, they are involved in **negotiating collective agreements on training** or agreements including chapters or provisions on training. When bargaining for equality, trade unions should always try to include provisions on "equality and diversity" training measures. Where trade unions are represented on bipartite or tripartite bodies responsible for developing training programmes, they should advocate for equality training.

Training is another key instrument to promote a culture that encourages bargaining for equal opportunities. On the one hand, training activities can raise awareness and improve people's understanding about discriminations and inequalities in the workplace. Through training, workers (as well as employers and trade unionists) can improve their knowledge of their rights and obligations and of existing collective agreements and measures in their workplace. On the other hand, capacities are built up and people's ability to act accordingly can be strengthened.

Among the trade unionists interviewed, many had very positive experiences of **joint training initiatives** with employers on equality issues. In some cases, 'equality' acted as a kind of door opener, as in the case where union and employers jointly developed a training programme for all new recruits for the first time. Employers were generally willing to participate in the introduction of equality training programmes.

A positive side effect of training programmes is, that they encourage **exchange and communication**. Training is a good opportunity to find out about the problems and needs of workers/members. Unions could encourage this by establishing a routine of directly questioning participants at each training session they organise. However, participants may also be reluctant to share their experiences (e.g. women, vulnerable groups in relation to violence and harassment) in a mixed group and trade unions may have to organise training courses that are only accessible to a certain group of people.

The inclusion of equality and diversity in training also involves the **development of new training programmes** and the production of appropriate **training and information materials** on equality topics and workers' rights. If trade unions do not have their own training programmes on equality, they could probably contribute to the design of other trainings (in the frame of joint initiatives). Trade union members could also participate in trainings of other organisations (e.g. ETUI e.g.).