

# Unequal Equal Pay Policies

Explaining the unequal enforcement  
of equal pay policies across  
gender and ethnicity in  
Switzerland

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# Introduction

**The puzzle: Why are the Swiss equal pay policies for migrants more effective compared to those for women?**

**Research design**

**Implementation of equal pay policies**

**Gender Equality Act (1996-)**

**“Accompanying measures” to EU/CH agreements on the free movement of workers (1999-)**

**Comparative analysis**

# The puzzle

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**Number of cases investigated in 2010**

**Less than 100 individual cases**  
(equal pay for men and women)

**Over 35,000 company cases**  
(equal pay for natives and foreigners)

# Factors that may explain variations in the implementation of equal pay policies

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**Political support for equal pay policies**  
(population, parliament, government)

**Role played by interest politics** (employer organizations, trade unions, NGOs)

**Regulatory strategy** (liberal vs. corporatist implementation methods)

**Framing of equal pay policy** (anti-discrimination vs. anti-social dumping discourse)

# Our cases

## A 'most similar systems research design'

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### Implementation of Swiss equal pay policies

1. Gender Equality Act (1996-)
2. 'Accompanying measures' to EU/CH agreements on the free movement of workers (1999-)

The two parallel Swiss cases allows us to control many explanations that have been used in the past to explain the relationship between gender inequality and different labour market regimes

# Gender Equality Act (GEA) (1996-)

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## Political origins of the act

1981: Constitutional amendment approved following a popular initiative (60.3% yes-vote)

1991: General “women strike” (for its implementation)

1996: Approval of the Gender Equality Act by a large majority across the political spectrum in parliament

-> Political support for equal pay policies was high

## **Gender Equality Act (1996-)**

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### **Role Played by Interest Organizations:**

**Trade unions:** strong mobilization (women strike)

**Employers organizations:** hostile to the act

**NGO's:** Important lobbying role of bourgeois women rights groups within centre-right parties

**-> Absence of a corporatist policy network that could play a role in the act's implementation**

## **Gender Equality Act (1996-)**

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**Regulatory strategy:**

**Liberal implementation method based on the conferral of individual rights and the right to take legal action**

**The number of legal GEA cases is very low and typically limited to public service employees (note the very weak protection against unjust dismissals in Switzerland)**



## **Gender Equality Act (1996-)**

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### **Framing of equal pay policy:**

**The Swiss gender equality policy debate is framed in terms of a “women’s rights” and a “anti-discrimination” discourse.**

**This triggered the enactment of the GEA but also explains its regulatory strategy**

# **Accompanying measures to bilateral EU/CH agreements on the free movement of workers**

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## **Political origins**

2000: Bilateral EU/CH agreements (...) on the free movement of workers (67.3% yes-vote)

2005: Extension of the EU/CH agreement on the free movement of workers to EU 8 (56 % yes-vote)

2009: Extension of the EU/CH agreement on the free movement of workers to Bulgaria and Romania (59.6% yes-vote)

-> **Political support for equal pay policies was high**

# Accompanying measures to bilateral EU/CH agreements on the free movement of workers

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## Role Played by Interest Organizations:

**Trade unions:** effective use of exchange power

**Employers organizations:** more or less reluctant  
acceptance of the acts

**NGO's:** weak role of migrant rights groups

-> **Presence of a corporatist policy network  
that could play a role in the act's  
implementation**

# **Accompanying measures to bilateral EU/CH agreements on the free movement of workers**

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## **Regulatory strategy:**

### **Corporatist implementation method supported by statutory instruments:**

- facilitated extension of collective agreements;**
- enactment of standard labour contracts with minimum wages in non-unionized sectors;**
- tripartite commissions at federal and cantonal level to police the labour market.**

# **Accompanying measures to bilateral EU/CH agreements on the free movement of workers**

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## **Framing of equal pay policy:**

**The Swiss gender equality policy debate is framed in terms of a “anti-social dumping” discourse.**

**This triggered the successful enactment of the accompanying measures but also explains the presence of an effective corporatist implementation network**

	<i>Gender Equality Act</i>	<i>Accompanying Measures</i>
Low/High EFFECTIVNESS Needs to be explained by:	0	1
<b>Political Support</b>		
- Population	1	1
- Parliament/Government	1	1
<b>Interest group /NGO support</b>		
- Trade union	1	1
- Employer associations	0	1
- Women/migrant NGOs	1	0
<b>Regulatory strategy</b>		
- Liberal	1	0
- Corporatist	0	1
<b>Framing of equal pay policy</b>		
- Anti-discrimination	1	0
- Anti-social dumping	0	1

# Conclusion

## Limits of the rights-based anti-discrimination discourse

### **Equal pay policy dilemma:**

Employer support for equal pay policies is crucial  
Employers don't like to pay higher wages

### **A solution for this dilemma:**

Employers like their competitors to pay higher wages

See the origin of EU's equal pay Article 157 TFEU  
(Article 119 Treaty of Rome of 1957)